
CAROLINA

Described more fully then heretofore,

Being an IMPARTIAL
COLLECTION

Made from the several Relations of that Place in Print, since Its first planting (by the *English*,) and before, under the Denomination of *Florida*, From diverse Letters from those that have Transported themselves (From this *Kingdom* of *Ireland*.) And the Relations of Those that have been in that Country several years together.

whereunto is added the CHARTER, with the
FUNDAMENTAL CONSTITUTIONS
of that PROVINCE.

With Sundry Necessary *Observations* made thereon; usefull to all that have a Disposition to Transport themselves to that Place; with the Account of what Shipping bound Thither from this Kingdom, this present Summer. 1684.

And the Charges of Transporting of Persons and Goods.

DUBLIN, Printed 1684.

Collections made from Printed Relations, Letters, and Discourses, of the Province of Carolina since Planted by the English, and before under the denomination of Florida &c.

Before I proceed to what is promised in the Title, I think it needfull to give the grounds and reasons of publishing these Sheets, believing it will be the enquiry of many, for whose satisfaction therein, I shall let them know it was my lot to have heard of, and seen most of the *Relations* that have come into this Country, of this *Province of Carolina*; whether by Letters, Prints or discourses with those who were of the first planters there, and at present Residing here, (amongst their *Relations* upon their dispatch of some business they came over about) also of late have seen the Fundamental Constitutions of that *Province* which are not here to be had for money, all which gave me more then ordinary knowledge of that Country. and of late some friends and acquaintance of mine, having thoughts of removing themselves and families thither, discoursing occasionally of their purpose in my hearing, I communicated unto them what I had learned of that Country; with all directing them for their further satisfaction unto such prints, other papers and persons, as I knew might best help them therein, and by this means I came to be engaged in several meetings with those before mentioned Gent. Planters whereby I gathered more Perfect Knowledge of the Country; it also gave me the opportunity of being present at severall other meetings, where I heard many discourses pass for and against the Country; where on both sides I found they were much in the dark about the true state of that *Province*; the cause thereof I conceived (by what I had observed) to arise from hence, that these severall Relations were in so many hands, as Mr. *Samuel Wilson's* (Secretary to the *Lords Proprietors* in *London*) the severall Accounts by Letters from those that are now there, and the Account from those persons Planters there, (who are now here) and the Fundamental Constitutions not known here, and though some were provoked by one relation and some by another to look after the Country, but yet by any one account hardly any could receive such satisfaction to answer all their doubts, so

as to adventure on so great an undertaking; for Mr. *Willsons Relation* it being in behalf of his Masters the *Lords Proprietors* interest, they were apt to doubt of the truth of many things, Letters they spoke not so fully as to answer all their queries, and for what they had from those Gentlemen Planters though it was more satisfactory for so much as they could carry away, yet I observed in these ordinary discourses amongst others, many things were often omitted needfull to be enquired into, the particulars being so many could not be remembred, and that which is more, those that tooke most paines in making enquiry from all the before mentioned relations, yet they wanted the Fundamental Constitutions, which is a great part of the life of this Undertaking. I therefore observing these things Considered with my self a collection made out of all these might be of use to the people, and thereupon determined to adventure upon the work; and setting my self unto it I met with this discouragment that it would be to difficult a task for me to make equal collections from the whole, and therefore for my help therein I concluded to Reprint the Fundamental Constitutions, and also Mr. *Willsons Relation*, (which hath the Charter in it) at large, and unto it to add what I should otherwaies gather, and so leave it to every man to make his own observations upon the whole, and though herein I have not done so much, nor yet so well as the matter requires, yet doubtless this point will be gained hereby, it will set others to enquire more narrowly into the premisses, to see whether the Country be such as is reported or not, and force the opponents to betake them to better weapons then shadows (if any they can find) to oppose this undertaking. those far fetcht fancies, as that this Country of *Ireland*, before it was well planted when there was store of land, as now *Carolina* hath, would feed cattle in the winter without fodder, but what kind of feeding this was I hear not, nor how they did do in hard Winters to relieve them, nor that they make any difference in the soyl of Countrys from the Latitudes they are in, *Carolina* about *Ashly-River* lying in the latitude of 32 degrees. 45 minuts, and we here neer 53 degrees from the sun which is 20 degrees difference; an other saith that the
great

great plenty of *Wenison* wild *Fowl* & *Fish* spoke of; we are not so readily to believe it, & for what is there which may be had for taking, as much may be said of *Ireland*; that there is enough of those provisions here, if people with least paines to seek for it. To this I answer, for *Fish* & *Fowl* in some parts it may be so, but what is that to the whole Country, besides it may be where there is most of these, there is fewest people to destroy them & to far off any market to vend them, which is the occasion of their increase, and if so, by the same reason we may rest assured, that there is plenty of these in *Carolina*, For the inhabitants (the natives) are few in number, and so cannot devour them in feeding their own bodys, and for Traffique I never heard or read of any they had but within themselves, so cannot be consumed that way, and particularly for *fish*, how is it possible but that there should be extraordinary plenty of them, as also of wild *fowl*, where the country so abounds with Rivers, that as Mr. *Willson* saith, you can hardly plant your self 7 mile from a navigable river, in any parts within 50 miles of the Sea, & for the difficulty of taking any of these provisions, in answer to that, must consider, they are not far to seek as here, for they plant in the midst of them, but then what sort is it they mean, those provisions found in the woods, or those found in the Rivers as *fish*, or on them as *fowl*, for those in the woods may be as easily taken as in *Ireland*, no doubt, but if they will not be at the paines to follow them, or have not leisure, they may have of the other sorts on easier terms, especially the *fish*, plenty of them, which with *Potatos* and other roots, if you come there in the season may have enough of your own in a very short time and bread corn to boot in 4 or 5 months, without the trouble of a plow, this for poor familys, for those that are able, they may have an *Indian* servant for about 20 s. per An. if you will believe Mr. *Willson*, and those that know the Country, who shall furnish your house all the year round with all sorts of those provisions, if you have thirty in family; I have not yet met with that man that could render a reason why it should not be believed, when its considered, *Hunting*, *Fishing*, and *Fowling*, is that they are trayned up to from their youth, and he is the best man that is the best hunter, and in that kind of labour will be ready enough

to exercise themselves in, though they are idle enough at any other work. But this is a digression from the order I proposed in proceeding, yet being compelled for want of room to put things thus together I must crave your patience a little further before I come to the particulars promised.

Carolina no doubt is a Country where people may live as comfortably on all accounts, as in any parts of the world, which you will easily believe if I should prove it so to your hand, that there is no Kingdom or Country in the known World that hath all those advantages of Life meeting in any one place as *Carolina* hath; but that would seem a great presumption in me to meddle with such an undertaking, besides the room allotted me here for other matters already promised will not allow it, but for those that are willing to make the tryal for their help therein, let them consider duely in their reading these Sheets, the *Temperature*, the *Healthiness*, *Fruitfulness*, the *Commodities*, and *Constitutions*, of this Country, and when they have done turn themselves to those gardens of the world *Aleppo*, *Smyrna* *China*, *Antioch*, &c. and they will soon see, (in reading the History of the World) whether they can find all those conveniences of life meet in any one place. For *America* the *Northren* plantations, the bitter Winters and Sultry Summers, not to mention any thing else may satisfy us its not there to be found, for the *Southern* Parts, where there is so much of *Gold* and *Silver Mines*, and other precious things, yet will be found to want several of those advantages *Carolina* hath, it must then be found, if any where, in such places as I have mentioned; I know many object the *Heat* of the Country, but let those Consider what is said by them that write of the place, and those that have been there, to that point, who say the heat of their summer very little exceeds the heat of the summer in *England*; besides consider the heat of *Jamaica*, *Barbados*, and other the *Carribee Islands*, where *English* bodys live, and follow their Labour dayly, these *Islands* some of them near 20 degrees nearer the *Sun* then the midle part of *Carolina* (which is *Aspley River*) and *Jamaica* it self is near 20 degrees nearer the *Sun*, then the *North part* of *Carolina*; but I refer you to Mr. *Willson*, Mr. *Ogilby*, &c. for further satisfaction there.

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therein, this Country doubtless is such, that were it so well known a broad as here, it would draw in many people of our Neighbour Kingdoms to plant there, especially of the French nation, I mean of those that are Protestants, & now we are under many pressures for their Religions sake, who are a people most agreeing with us in all things, and do more of them live in our Native Country (I think) then of all nations besides, put them altogether, and no doubt if it have effect that way any thing considerable, with the many families that are like to remove out of those plantations of *Barbados* and *Bermudes*, which swarme with the Inhabitants, and what are like to remove from the Northern plantations, will with those many families that go out of these populous Kingdoms, soon make a considerable body there, and quickly be a very flourishing Country, and dispell those fears that some are apt to be possess withal; as to the Natives, of whom I suppose sufficient in this book is already spoken to silence them, but having confined my self to these sheets I must pass onto what I promised in the Title, and in order shall proceed, in the first place from the relations in Print, given of *Carolina*. Mr. *Wilson*'s you have at Large in this Book, unto which I shall add the heads of what Mr. *Ogilby* in his history of *America*, and Mr. *Blome* in his discription of his Majesties Plantations there, relates of this Province, Mr. *Ogilby* saith, the land doth with great return produce, *Indigo*, *Ginger*, *Tobacco*, *Cotton*, and other Commodities, fit to send abroad &c. and expect to have a great plenty of Good *Wine*, and *Oyle*, as any part of the world, the mould is generally black, and mellow, and upon handling feels soft, and soapy, and is generally all over the Country just like the fine mould of our well ordered Gardens, under this black Earth which is of a good thickness, in most places that they have tryed there lyes a bed of *Marle*, and in some parts clay, the Rivers are stored with plenty of Excellent *Fish*, of several sorts, which are taken with great ease, in abundance, and are one great part of the *Natives* provision &c. the Rivers are coverd also with flocks of *Duck* and *Mallard*, and many other sorts of Fowl, and their woods stored with *Deer*, *Rabbits*, *Hares*, *Turtle Doves*, *pheasants*, *Patri-*

ges, Wood-pigeons, and Wild-Turkeys &c. the Temperature of this Province, is agreeable to the Country, whose position is on the Warmer side of the Temperate Zone, but yet, the heat is not so sultry nor Offensive, as in places of the same Latitude in the old world, to which moderation of Heat, as well as the Healthiness of it, the vast Atlantick Ocean lying to the East and South of it may perhaps not a Little contribute; an instance whereof some think China to be, which deserv'dly admired Country Carolina Exactly answers, in its position and Latitude, the trending from North East, to South West, of its coast, and Lowness of its Shore, it wants nothing but inhabitants to make it equal, if not Excell, in all Conveniencies of life, as it doth in Richness of Soyl that Flourishing Empire; the Healthyness of the Ayre is such that those of Bermudes, accustomed to a pure Ayre, dare not adventure into any other place, without hazzard of their Lives, and is the next land to them, and in the same Latitude, and Generally all the English Planters, in the West Indies, are so taken with the conveniencies of this Country, as some of the most considerable in those parts say it promises all that the heart of man can wish, and they send the over plus of their people thither; the Summer is not so intolerably Hot, nor the Winter so troublesome or pinching, but enough to correct the humours of Mans Body, the better to strengthen them and procure their health, and so far to cheque the growth of plants, that by this stop they may put forth more regularly, and the Corn and other fruites ripen together, and be ready seasonably in the harvest; the want whereof in some countreys, hinder the beneficial growth of some valuable commodities, the continual spring all the year long making it that their crops are never ready, their Trees being Laden with green and ripe fruites at the same time, which though they have excellent Grapes, yet cannot make good Wine of them, which is helped by having a winter to put a stop to make them ripen equally together, the Natives are a Strong Lusty people, well shaped, of good understanding, well humored, generally just and honest, &c. faithful to their promise, faire conditioned in their dealings &c. in their conversation courteous, in their visits civil, make presents one to another &c. do the English all the friendly offices they

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they can, ready to help them in any thing they know they want.
Ec. trusting themselves amongst us, even their Kings whole
nights together in Singing and Dancing.

Mr. Bloome in his description of the English plantations in
America, speaking of Carolina, saith, it is a Country best with
a temperate and wholesome Air, the heat in Summer nor the cold
in Winter, is not so much as to chequer the growth of plants. Trees
Ec. Th: several fruits and plants, having there distinct seasons
being no ways offensive to the Inhabitants, neither is the Air so
temperate and agreeable to the Natives only, but it is very fa-
vourable to the English, and being so healthfull, hath invited
several persons from Bermudus to settle here, who dwelling in so
pure an Aire, durst not venture into any other Country, neither do
those from the Bermudus only remove hither upon the assurance of
a happy life, joyned with the gaining of fair estates. but also many
English from most of the American Plantations, it being generally
esteemed one of the best Countrys ever the English were Masters of;
for here is health pleasure and profit to be found, which cannot be
met with in so large a measure in any Country in the Indies, for the
fruitfulness of the Country, and Commodities, with the abundance of
wild Flesh in the woods, Fowl and Fish be agreeth with Mr. Wilson
Ec. Of the Natives he saith, they are generally well proportioned
great favourers of the English, liveing together in love and friend-
ship, ready to contribute there assistance to them, generally of a good
and honest meaning, no way addict unto vice, much addicted to mirth
and dancing Ec. of the module of the Government he saith. it is
so well framed for the good and welfare of the inhabitants, that it is
esteemed by all Judicious persons without compare; thus much brief-
ly of Mr. Bloomes relation. These two testimonies with what
we have in this book of Mr. Wilson is the cheif of what is
spoken by any printed relations of that Country since planted
by the English

The next thing in order to be taken notice of is what is said
of this Country, under the denomination of Florida, before its
being planted by the English. Mr. Ogilby in his description of
Florida treats of the several inroads the Spaniards made into that
place, upon its first discovery in hope of finding Gold and Silver
mines.

mines, and the many conflicts between them and the Natives, their manners and customs &c. But of the temperature and commodities of the Country takes no notice only what probability of Gold and Silver there, the reason is evident, because his history being penned since the English planted there, is large therein, in his description of Carolina, I shall only take notice of a passage or two by him observed in the Spaniards hunting there for Gold, about the year 1520 that they were presented by an Indian King with Gold and Silver, that the King and Queen did wear Pearl, that Vaquer the Spaniard who went next, brought a good return of Gold and Silver and Pearl; upon his next coming there its said the people seemed poor & had little Gold but what they procured from the Otapales and Ougatonos 60 Leagues Northward up the Country, another that went at another time found a Golden Bell, wedges of Gold, which they had from the remote Country Apalacha; in the Cofachiquis Country 13 days Journy from Apa'acha, out of their Tombs there they got vast treasures of Pearl, Copper they got there of a Golden couler but no Gold, as the Apalachians had told them that there was plenty of it, as also of Silver. The mountains of the Country are only the Apa'atics supposed by the Natives to have rich mines of Gold and Silver in them, which the Spaniards saw, but had not time to stay to search them, being so long time wearied and wasted before they got to them and meeting with so much opposition from the Inhabitants. &c.

Mr. Clark in his brief description of the world saith of Florida, it hath Gold and Silver, and Stones of great value, in it are great variety of Fruits, Fowl Beasts &c.

N. N. in his description of America published in the year 1655. some years before this present undertaking was thought on, of Florida, he saith, it was first of all discovered by Sir Sebastian Cabot, at the charges of the King of England, about the year 1497 but afterwards more thoroughly searched into by John de Ponce a Spaniard, in the year 1512 and by him named Florida &c. the Country lyeth in the same paralel with Castile in Spain, and is supposed to be of a neer temperature with it, both for Aire and Soil, only this of America, is supposed to be somewhat the more Fertile

Fertile and Lusty, as not having as yet been worn out with Tillage and Use, as the other hath, they have great plenty of Maize in this Country, which they both Sow and Reap in less then four months space &c. it is well stored likewise with diverse sorts of Fruits, both proper to the Country, & common to other parts; especially with a kind of Plum of a rare colour & taste, Mulberry trees, Chery trees, Chestnuts, Grapes &c. Beasts they have in a bundance, both Wild and Tame, and no less plenty of Fowl, many have Forrests & lesser woods, well replenished with good Oaks of the largest size, lofty Cedars, Cypress, and Bay trees, with Extraordinary plenty of that wood which the Americans call Pavane, and the French Sassafras, the barke whereof is said to be very Medicinal in sundry diseases especially for the Stone, and all obstructions of Urine, Wind Collick, and others &c. tis likewise thought, that the Country is not altogether without mines of Gold and Silver, especially about the mountaines Apallatei, as they call them, though neglected by the Natives, till the Spaniards came and risted so strangely for Gold in the Provinces, which probably might make the Natives of this Province to conceal theirs, when the Spaniards were amongst them; and still to forbear the searching after it (if indeed they have any) only that they may not be troubled with such Guests. But for Emeraulds, Torquises, and other fine Stones, it is certain the Country hath many of great worth and Beauty: But the plenty of these make them cheap at the Indies, and to be thought not worth searching after. The people of this Country are somewhat of the largest Size and Stature, in respect of the other Americans generally, yet well proportioned with all &c. The Country is generally Plain and Level, having few or no Mountaines in it save only the Apalatie, supposed by the Natives to have rich mines of Gold in them, which the Spaniards saw, but had no time nor other Necessary accommdation to stay & search them, by reason they were so much wearied and wasted with a long March, before they got thither, and found the people so stout and obstinate thereabouts, that instead of enteraining them with their Hens and Fowl as other places had done, they were welcomed with Blows and made to return, leaving not a few of their best soldiers behind &c. Thus much briefly what is spoken of the Country under the Denomination of Florida.

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The next thing will be to give you what hath been gathered from the several Accounts that we have had by Letters from those that now are there, and the relations we have from some of the first planters in that Country and that at present are here, in the doing of which I shall observe this method: give you the compendium of Mr. Cranfords Journal from Scotland to Port Royal (in Carolina) who was in October 1682. sent thither by his employers to view the Country, and which is the most particular Account we have in writing of that place, not one Letter that I have heard of, or seen, speaking so much, and though it was exposed here in Print by some yet what I here give you is from a Copy taken out of his Journal by a friend of mine, a very understanding Gent. who had several discourses with him about the truth of the particulars here set down who gave me an account thereof and also favoured me with the use of the Coppy for this purpose, and because it is so material a paper, I shall give it verbatim (so much of it as concerns Carolina,) and briefly add thereto what collections I have made from others, without any further recital of papers, because of the little room I have for other matters, (passing by what he relates of Bermudos where by contrary winds they were put in) of Carolina he saith There is now a large Buoy on Ashley River lying in the middle of the Channel; the Barr lyeth in the Latitude of 32 degrees 45 minutes, upon the firing of a Gun, a pylon will not fail to come off, we went up to Charles town, which is about 4 leagues from the Barr, and there all the Shipping ride, we staid there about 20 days. Selling part of our goods and viewing the Country about 4 miles up, it is but a new and young settlement the town began to be built about 2 years since, and there is now in it about 200 Families; the Country was first settled in Anno 1671. with about 70 men, and till within these 2 years there was not above 200 Men, and now are Judged to be one thousand, the Ground here without doubt will asford what Europe can, but they want Good Seeds, plants, and Labourers, there is there severall Vineyards, of which Wine is expected this year; great plenty of Silk Wormes which I saw at work, Mulberry trees groweth wild there foron the Leaves the said worms do feed, they have two crops in the year. The English Grain such as Pease, Oates, Barley, they sow in
Janu-

Jan: and February which they Reap in May; and then on the land
 they plant Indian Corn, or Tobacco, which is reaped in October;
 of this Indian Corne which by some is called Turkey wheat; they
 make their Bread, which is very good, and of the fine flower, where
 of they make variety of good dishes, the Increase of it is exceeding
 great, the like Increase there is of many kinds of very good Indian
 pease, and Beans, which are Esteemed as good as any in Europe;
 Generally Cattle and Sheep Increase and thrive there very well, in
 so much that a Heiffer of nine months old taketh Bull, and the
 Sheep ordinarily have 2 Lambs and some times 3. they make no
 provision for them in winter, for they never come into a House;
 the Ground from day to day affording them their food; the Land
 next the Sea is sandy, but the further up the Country more fertile,
 a good fat and a very rich ground; in few years these Plantations
 will be in a good condition, for already they begin to live handsomely
 building good houses, ditching and intrenching Ground, with
 Quicksetts, according to the English manner, many Londoners I came
 over of late and are daily coming with good stocks, there is little or
 no winter, but sometimes a thin Ice which melteth away when the
 Sun appears, but few Stormes of wind, and when any of few hours
 Continuance, Thunder, Lightning and Rayn, they have but the Sun
 soone dryeth the Ground, Fish of many kinds with abundance of oys-
 ters and Shellfish in every place, with fowl of many kinds, with great
 quantity of Deer and wild Turkeyes; they have no cause to fear their
 Enemies; either the Natives or the Spaniards, The Natives are all
 peaceably and friendly among themselves, and are very servicable to the
 English in Hunting, Fishing, Gunning, and otherwise, a wrong done
 to one, is done to both, they willingly goe to Ykarr for the Eng-
 lish either Offensive or defensive, Postroya, being the place, the
 most fit for our Employers to settle on; we went with our Ship from
 Aschely River, and took with us, a Pilot, and an Interpreter;
 the Barr of the said place lyeth in Latitude 32 degrees 15 Min.
 its an Excellent Barr, where sounding many times with our Ship
 and Boats we found 19 fath at low water, here the floweth 8 fath, all
 East, South East Moon, maketh there a full Sea, the Barr is four
 Miles broad, and within a brave turning Channel, only the Barr
 lyeth 2 League off, hence what is bought, the best place in Carolina.

both for Navigation and richness in Land, here there is nothing of a frost and I found a considerable difference betwixt the season and soyle of this and that of Ashley river, for parting from the said place the 23^d of March, the trees were but then budding and the grass but short; but coming to Port Royal the 25th dito; the Trees were all covered with leaves full spread, and fully blossomed, the peaches there were growing wild, and set, and as great as a small wallnut, within this Entry are 4. Excellent Islands, of high Ground, and Navigable by any Ship to the middle of them, and by ordinary ships of 50 Tons are Navigable round about them by reason of which with the conveniencies of water, Inclosures easily may be made. we Travelled in our Boats several ways up the said Rivers, and Country. Ranging about we went to all the Cafiques dwellings they being the heads of the people, with whom we frequently Converſed, and several nights lay by them without fear; we gave them several commodities as Knives Beads and Glasses, and in lieu thereof, they Killed deer and Turkeys, and brought them aboard to us; there will not be above 8 score of these Natives in all this Country; for we made it a part of our work to know their Numbers, Humours and way of living we find them a faint hearted people, yet the most Laborious of all the Natives, for they have pretty good Houses; and plenty of Corn, and Pease, with Peaches and Tobacco; they seem to be most desirous of our Neighbourhood, they have great kindness for the English, but none for the Spaniard, and for their Religion, I Judge they are Pagans, but some judge them to be of the Captive Israelites, by their faces Colour of hrry worshipping the new Moon, and some other Ceremonies resembling it; I think they might be easily gained to Christianity; and good Orders if paines were taken on them, with good Exampl, we stayed at Port Royal, about a Month Sounding the Channels and Rivers, and viewing the Land; we lay all night in the open fields without fear, although we saw many of the Natives, and heard the noise of wild Beasts, which gave no offence to Mankind, such as go there would be provided with 9 or 12 months Bread, some Salt Beet, and other necessaries till the Ground afford supply Corn and Pease may be had there, but the price rules as people come on. In short, Port Royal in my opinion is the Choice of Carolina, a very rich soyl, and good Climate, and I Judge it to be

be amass healthy Country, we get by the Custome of the Country 50 Acres of Land, for each we Carry over, and may sit down any where that is not taken up, after we parted from Ashley River, we returned in six weeks time and was of the said time 8 days becalm'd. thus much of Mr. John Crawford, Supercargo, of the ship, James of Erwin, who Sailed from the River Clyd in Scotland the 26th day of October, 1682.

Unto this relation of Mr. Crawfords I shall add what we have gathered by Letters and discourses here, in those particulars wherein in they doe agree, they agree as to the number of inhabitants in *Charles Town*, and in the number of men then in *Carolina*, also in the dayly flocking of people out of *London* to that place with considerable stocks, and expectations of the great increase of their numbers, that the Country is planted upwards of 30 miles up *Ashley* and *Cooper* Rivers on both sides, and that they have two crops of *Corn* in the year, one of *English* another of *Indian* grain, that the *Cattle* and *Sheep* doe thrive and increase very well, feeding abroad all the *Winter* without fodder, that there is plenty of *Fish*, of many kinds, of *Oysters* and other shellfish in abundance, and of wild *Fowl* of all Kinds great quantities, as also of *Deer* & *Wild Turkies*, and of the soyl say it is very rich and that the *Natives* live very peacably and Lovingly among them and are ready on all occasions to serve them in *Fishing*, *Fowling*, and *Hunting* (at which they are expert) or in any other way they are capable of doing them service, of *Port Royal* I have heard it much comended and there is besides other great advantages, this very considerable, they have a River from that port, leading to *Ashley River*, below the Port town, so that from the 2 Rivers of *Port Royal* and all those plantations, that shall be on both Sides they may by boate come to the port town of *Ashley River* and unto all the plantations up *Ashley* and *Cooper-Rivers*, *Port Royal* is Judged to be about 10 leagues to the Southward of *Ashley River*.

The Charter, & Fundamental Constitutions of this Province, follow in order next to Mr. *Willsons Relation*, of the Charter, I shall take no notice here, it being short, will not be troublesome in the view of it to any one (I think) but the Constitutions being

So many may be some what troublesome to the weaker sort to take a ready prospect of them, for whose sake, I shall in order here briefly recite the heads of them

From §. 1 to §. 15, you have these particulars (viz) That the Eldest of the *Lords Proprietors* shall be *Palatine*, and of the Succession, that there shall be other cheif Offices erected, as the Admirals, *Chamberlains*, *Chancellors*, &c. and who shall enjoy them, of the Country how it shall be divided, and how to be shared amongst the Nobility, & Commonalty, that the *Lords Proprietors* may not aliene or dispose of their *Proprietorships* after the year 1700, with limitations in their disposing of them before, and in case of want of Heires, those who succeed shall take the names and bear the Armes of their predecessors, *Landgraves* and *Casiques* likewise limited, as the *Lords Proprietors* in disposing of dignities &c. and provision made in like manner for keeping up their numbers, and that the persons that succeed them by choise, to bear their names and Arm's.

From §. 15 unto §. 21 that the dignities of the *Lords Proprietors Landgraves*, and *Casiques*, with the *Signiories* or *Baronies* annexed, shall be kept intire, and that for want of Heirs Male, shall Descend on the Issue Femal the Eldest Daughter and her heirs to be preferred; but there shall be no *Cokeirs*, that in every *Signiory*, *Barony* and *Mannor*, the respective Lord shall have power in his own name to hold *Court-leet* there, for trying all causes &c. with provision for appeals, to those that are not inhabitants of the said *Signiory Barony* &c. No *Mannor* shall consist of less then 3000 *Acres* in one intire piece &c. and those *Mannors* to be constituted by the *Pallatine's court*; The Lords of *Signiories* and *Baronys* limited in granting estates. Lords of *Mannors* limited in the disposing of their *Mannors*, that no *Mannor* for want of Issue Male shall be divided but shall descend to the eldest Daughter and her heirs, and if more *Mannors* then one the eldest daughter to have her choise, and the next in order.

From §. 21 to §. 30 that every Lord of a *Mannor*, shall have the power as a *Landgrave* or *Casique* hath in his *Baronies*, all *Leet-men* shall be under the Juridictions of their respective Lords, without appeals from him, and shall not go off their land to live
else

elsewhere, without their licence, and their Children to be *Leetmen* to all generations, non capable of having a *Court-Leet*, but a *Proprietor*, *Landgrave*, *Cassique*, or Lord of a *Manner*; of every man that shall voluntarily enter himselfe a *Leetman*. Every *Leetman* or *Leet-Woman* at their Marriage shall have 10 Acres of Land given them by their Lord for their Lives upon a condition. &c. No Nobleman to be tryed for any crimes but in the chief Justices Court, and by a Jury of his Peers. That there shall be eight supreme Courts, and how they shall be called, and of their assistants, who they shall be, and how to be chosen, with provision in case of death of any *Councillor* who shall succeed &c.

From §. 31 to §. 50. No member of the *Grand Council*, or of the seven *Colledges*, to be turned out but for misdemeanor, of which the *Grand Council* to be Judges, all vacancies of persons put out, to be supplied as in case of death &c. But their power in such cases shall not extend to any of the *Lords Proprietors* &c. That all elections in *Parliament* & *Grand Council*, to be passed by balloting, what persons the *Palatines Court* shall consult of, No Act shall pass, without the consent of the *Palatine* and three of the *Lords Proprietors*, the power of this Court to call *Parliaments*, pardon offences, elect Officers in the *Proprietors* dispose, appoint *Port Towns*, to dispose of publique Treasures, not granted by the *Parliament*, and not directed to publique use, shall have a *Negative* upon all *Acts*, *Orders*, *Votes*, and *Judgments*, of the *Grand Council* and *Parliament*, except as in §. 6, 12 and 51. and shall have all the powers granted to the *Lords Proprietors*, except such things as are limited by these *Constitutions*. The *Palatine* being himself present in the army, or in any of the *Proprietors Courts*, shall have the power of *General*, or of that *Proprietor*, in whose Court he is in, and the *Proprietor* during his presence, to be but as one of the *Councillors*. The *Chancellors Court* shall keep the Seal of the *Palatinate*, under which all *Charters* of Lands &c. shall pass, the said Seal not to be put to any writing, that is not signed by the *Palatine* or his Deputy, and three *Lords Proprietors*, to this Court belongs all State matters &c. Treaties with the *Indians*, invasions of the Law, Liberty of Conscience, Disturbances of the Peace, and Licence of printing, all matters passing under the Seal shall

shall be *Registered* in that *Proprietors court*, to which the matter belongs. The *Chancellor* shall always be speaker in *Parliament* and *President* of the *Grand Council*. The chief Justices Court shall consist of a *Proprietor* and his six *Councillors*, to be called Justices of the *Bench*, shall Judge all appeals, except such as do belong to any other of the *Proprietors Courts*, the Government of the *Registrys* of writings and contracts, shall be under the Jurisdiction of this Court, The *Constables Court* shall consist of one *Proprietor* and six *Councillors*, to be called *Marshals*, shall order and determin of Military affairs by Land, and in time of actual war whilst in the army shall be General &c. and his six *Councillors* to be the immediate great Officers under him &c.

The *Admirals court*, to consist of a *Proprietor* and his six *Councillors*, shall inspect all *Ports*, *Moles*, *Navigable Rivers* publique shipping &c. shall have the power of the *Admirals*, & to constitute Judges in *Port Townes*, to try causes &c. in time of actual War at Sea shall command in cheif, and and his six *Councillors* shall be next to him the great Officers. &c. The *Treasurers Court* consisting of a *Proprietor* and his six *Councillors*, to have the care of the publique Revenue &c.

The *High Stewards court*, consisting of a *Proprietor* and his six *Councillors* shall have the care of all *Trade*, *Manufactures*, *Publique Buildings*, *Work Houses*, *High-Ways*, *Passages by Water*, *Draines*, *Sewers*, *Bridges*, *Posts*, *Carriers*, *Faires*, *Markets* &c. And all things relating to Commerce and health, surveying of Lands to appoint places for *Towns* to be built on the *Precincts* &c. power to make any publique Buildings, *New High-ways*, &c. The *Chamberlaines Court* to consist of a *Proprietor* and his six *Councillors* to be called *Vice Chamberlains* shall have the care of all *Ceremonies*, *Presedencys* *Heraidly* &c. *Registry* of all *Births*, *Burials*, *Marriages* &c. to regulate all *Fishions*. *Habits* *Badges*, *Games*, *Sports*, shall have the power to *Convocate* the *Grand Council*. &c. That all causes in the *Proprietors courts* to be ultimately determined there, without appeal; who have power to mitigate all fines, suspend Executions &c. The twelve assistants of the *Proprietors courts* their works &c. In all the *Proprietors courts*, the *Proptietor* and any 3 of his *Councillors* shall

shall make a *Quorum*, it shall be in the power of the *Palatines court*, to direct what causes shall be heard &c.

From § 50 to § 70 of the grand Council, what persons they shall consist of, and their power to determine controversies between any of the *Proprietors Courts* &c. to make *Peace or Warr* &c. to issue orders to the *Constables*, and *Admirals Courts*, for raising or disbanding forces by land or Sea; to prepare matters for Parliaments, no matter to be proposed in Parliament, except as in § 66, but what hath passed this Council (by majorite of votes) in such proposals it shall not be necessary to have the consent of the *Palatines Court*; they shall always be Judges of all causes and Appeals that concerns the *Palatine* or any of the *Lords Proprietors* or any Councillor of any of the *Proprietors Courts* &c. they have power to dispose of all mony given by Parliament &c. their *Quorum* to be thirteen, a *Proprietor* or his Deputy to be always one, they shall meet the first *Tuesday* in every month, or oftner as &c. the *Palatine* and *Lords Proprietors*, have power to make Deputies, who shall have the same power that they have, some few cases on'y excepted during the minority of a *Proprietor* his Gardian shall have power to appoint his Deputy; who shall be the *Palatines Deputy*, each *Proprietors Deputy* to be one of his own six councillors &c. In every Country to be a Court consisting of a Sheriff and 4 Justices of the country, for every *Precinct* one, they shall be such as have 500 Acres of freehold in the said *Precinct* and are Inhabitants; to be chosen by the *Palatines court* &c. a Liberty of appeal from the *County court* to the *Proprietors court* &c. *Precinct courts* shall consist of a Steward and 4 Justices of the *Precinct*, (inhabitants) having 300 Acres of Freehold there, what causes they may try and what not, with Liberty of appeal in certain cases, no cause shall be twice tryed in any one Court, who shall be Judge of Assize, they which the Sheriff and 4 Justices may hold assizes, a Liberty of appeal to the *Proprietors court*, the *Grand Jurys* there shall make presentments &c. which the Judges are to deliver to the *Grand Council* &c. and if the Major part of the *Grand Jurys* in there Counties shall present any thing as necessary to be passed into a Law, & the *Grand Council* doth not
pro-

propose it to the *Parliament* at there first sitting &c. it may be proposed in any of the *Chambers* of *Parliament*, & being carried three several days by majority of votes, shall be proposed in *Parliament* to be passed into a *Bill* &c. Of the Terms, that they shall be quarterly and the times of their sitting. Of *Jury-men* how much freehold they must have, who serve in any of the *Proprietors courts* or inferior Courts, they shall be 12 in number, not bound all to be agreed, but it shall be according to the consent of the Majority,

From §. 70 to §. 80 It shall be a base and vile thing to plead for money or reward, none shall be permitted to plead another's cause, till he have taken an Oath, he doth not plead for reward &c. That there shall be a *Parliament*, so consist of the *Proprietors Landgraves*, *Cassiques*, and one Freeholder out of every *Precinct* to be chosen by the Freeholders &c. to sit altogether and Vote in one room: And every member have one vote, none shall be a member, but he that hath 500 Acres of Freehold, & none shall have a vote in chusing them that hath not 50 Acres of freehold in the *Precinct*, a new *Parliament* to assemble the first *Munday* in *November* every second year, where they shall meet, without any summons, & if occasion for them in intervals, it shall be in the power of the *Palatines court* to assemble them in 40 days notice, at the place they appoint, who have power also to dissolve them when they think fit, at the opening of *Parliaments*, the first thing that shall be done, the *Palatine* and *Proprietors*, and the other members shall subscribe the Fundamental Constitutions, no Person whatsoever shall sit or vote in *Parliament* until he have so subscribed &c. the order for carrying on, and time of elections of *Parliament-men*, to be in *September* every second year, unless 30 days notice to the contrary. No act of *Parliament* to be of force unless ratified in open *Parliament* the same Session, by the *Palatine* and 3 of the *Lords Proprietors* &c. Any *Proprietor* or his Deputy may protest against any act of *Parliament* before ratified as above said, if he shall conceive it contrary to this establishment &c. which is to be debated in the 4 several *Chambers* of *Parliament*, and if the major part of any of the 4 estates vote it not agreeable &c. it shall be as if not proposed, of the *Quorums* of the *Parliament* & each *Chamber* how many they must be, for avoyding

ing the multiplicity of Laws, no act of *Parliament* to continue in force longer then 100 years, then to become null and void, as if they had never been. All manner of comments and expositions on any part of the Fundamental Constitutions, and common Law, are absolutely prohibited.

From § 81 to §. 100 Every *Precinct* shall have a *Registry* whereina l d eds, Leases J dgments Mortgages &c. shall be enrolled, otherways they shall be of no force, the *Register* must have at least 30 Acres of freeh ld in the said *Precinct*, how they shall be chosen, to hold his place during good behaviour: Every *Signiory*, *Barony*, and *Colony*, shall have a *Registry*, where all the *Births*, *Marriages* and *Deaths*. &c. shall be *Registered*, The *Register* of a *Colony* m st have 50 Acres of freeh d there, the time of every ones age to be reckoned from the day their *Birth* is entred and not before, No *Marriage* Lawfull, till both parties mutually own it before, the *Register* of the place where *Married*, and it be *Registered* &c. No man shall administer to the goods of any person &c. till his death be *Registered* &c. The Neglect of *Registering Births*, and *Deaths*, the penalty is 12 d per Week &c. in like manner the *Births*, *Marriages*, and *Deaths*, of the Nobility, shall be *Registered* in the *Chamberlains court*. a *Constable* shall be chosen anually in every *Collony* by the Freeholders with subordinate Officers &c. the first Port Town upon *Rivers* to be in a *Colony*; No man to have priviledges in *Carolina* that doth not acknowledge a *God*, and that *God* is publicly and solemnly to be worshiped, and a future being after this life of happiness or misery. No Ministers shall have publique maintenance, but those that are according to the *Church* of *England*, to be provided for by the *Parliament*. Of the general Indigence to all men, how many shall constitute a *Church* the terms of Admittance and Communion with any *Church* shall be written in a Book, and subscribed by all the members thereof, which shall be Kept by the publique *Register* &c. the time of subscription and Admittance shall be dated in the said Book, In the terms of Communion of every *Church*, these shall be three without which no assembly shall be accounted a *Church* within these rules, first that there is a *God* 2^d that *God* is publicly to be worshipped 3^dly that it is lawfull and the duty of every man

to bear witness to the truth being thereunto called and that every Church shall set down the external way whereby they witness a truth as in the presence of God.

No person above the age of 17 years to have benefit of the Law or capable of any place of profit, who is not a member of a Church, and his name recorded &c.

From §. 101 to §. 120 No person shall molest any religious assembly, nor shall in their religious assemblies speak evil of the Government &c. any persons subscribing the terms of Communion in the Churches Record before the *Precinct Register*, and any five members thereof, shall thereby be made a member of the said Church; what must be done by them that remove to another Church, in order thereto; None shall revile any Church or profession &c. slaves may be of any Church if they shall desire it, but it shall not exempt him from his Masters dominion over him, at assembly that observe not the above rules, shall be esteemed unlawful & be punished as other Riots. None shall disturb or persecute another for his opinions, Every Freeman shall have absolute power over his *Negro slaves*, of what profession soever. no Freeman shall be tried in any Court without a Jury of his peers. No person shall hold any Land from the *Natives* &c. but from and under the *Lords Proprietors*, upon pain of loss of estate and perpetual banishment, every Freholder after the year 1689. shall pay one penny per Acre chief rent to the *Lords Proprietors* for ever; except any other agreements before made. The *Palatine court*, may at any time order a new survey of any mans land, not to take any from him but to know his just number of Acres that the due chief rent may be paid. All wrecks mines &c. wherever found shall belong to the *Lords Proprietors* how the revenue & profits belonging to them shall be shared, All men from 17 to 60 shall be lyable to bear Arms, and serve as soldiers. No man shall have any estate in *Carolina* or protection of the Law &c. who hath not before a *Register* subscribed the Constitutions in the form set down in §. 116. Any alien, that in this form shall subscribe these Constitutions, shall be thereby naturalized, Every person at his admittance into office shall do the like. Whosoever comes to be a *Proprietor* of *Carolina*, shall not have any power, or receive

ceive any of the profits be'onging to a *Proprietor*, until he have subscribed these Constitutions, as in the form set down in §. 119. That these Fundamental Constitutions shall be and remain the sacred and unalterable forme and rule of Government of *Carolina* for ever.

Haveing thus briefly recited the heads of the Constitutions for the sake of the weaker sort of *People* I shall for their sake also make a few observations to their hands.

That the Country of it self affordeth a sufficiency of good and wholesome food suitable for *English* bodys, is made out to your hands, and hath plenty of good drinks with great store of very good fruits also suitable to our bodys (*viz*) *Graps*, *Peaches*, *Strawberies*, *Cheries*, *Malberys*, *Walnuts* *Chestnuts*, &c. and that the *Indian Corn* yeildeth a very great increase which is sown by the help of the *Hoe* with which two men in one day will fit one Acre of Land ready to sow, and one man in the same time will sow it so that there is no charge of the plow in that affair, which is another great advantage, and this if you come in the season you will have ripe in about 4 months time and while green serves for food being drest in the same manner as they do green *Pease*, and is said not unlike it in tast, this may satisfie any concerning food; for cloathing that must be considered on this side and every one according to their ability, will do well to store themselves therewith, for habitations when you come there, at your Landing at *Charles Town* where you may have accomodations to rest your selves for a time, untill you have taken up your Land and built your selves habitations, there is plenty of all sorts of materials for building, from the poore cottage unto the most stately structure there being good *Clay* and *Timber* enough, as also wherewith to make *Lyme*, and good *Bricks*, those that have a mind to live in *Charls Town* to drive any trade, or for their pleasure may have half an Acre of Land there to build on, paying only for the patent, and because the charge of the patent & surveying of the Lands is not exposed in any printed account of the Country I therefore did enquire of those that had been there, who say there is 3 s. 6 d for a certificate and 10 s. for the patent and one penny per Acre for surveying the Land, and if a considerable quantity somewhat is abated of that, you will find in Mr.

Wilson:

Willsons relation, the rent doth not begin until two years after you take up your Land, which will be a great ease to the poorer sort and for such who have but a little stock they may buy a few breeding *Sows*, their price about 20 s. a piece they increate exceedingly there, & are a very certain commoditie, both at home and abroad; Mr. *Willson* directeth what sort of Tools you must take with you and the commodities that will sell there, for your provisions at Sea, if you take not up with the ships diet, you must provide for three months, not that the voyage is so long, but because of Contrary winds that possibly may happen, for it is esteemed but six weeks sail with a good wind, as *Virginea* is, it lying next unto it.

Off the shipping bound out of this Kingdom, &c.

Out of this port of *Dublin* the *Carolina* Merchant of *Dublin*, burthen about 100 Tuns with six Guns *John Forrest* Commander, who intends to sail towards the latter end of *June*, out of the port of *Cork*, a Vessel burthen about 120 Tunns *Ja: Fendal* Master who was to sail in *May*, out of the Port of *Sleigo*, the *Robert* of *Lairne* burthen about 100 Tunns to sail about the latter end of *Summer*, out of the port of *Londonderry* the *figtree* of *Londonderry* burthen about 65 Tunns *John Steward* Master, intending to sail sometime in *June*, out of the port of *Limerick* a Vessel of about 90 Tunns from *Belfast*, I have advice by letters of two Ships preparing to go thither, who intend to sail about the latter end of this *Summer*, which account is confirmed by good hands here but my time would not allow me to stay the return of the Post for particulars of them.

We have advice from good hands that there is a Vessel sailed in these few days out of the Port of *Glasgow* in *Scotland*, who toucht at the North of *Ireland* as they passed along.

the charges of transportation is 5 s. each head for all above 10 years of age and 30 s. a head for all under 10 years sickling Infants free, and the carriage of necessary bedding and other present needfull accomodations but if you take your own provisions then 3 s. each head above 10 years of age & 30 s. for all under ten, & all Infants & necessities, with the freight of your three months provisions free, the freight of goods is 50 s. per Tunn.

Dublin the 6th. of *June*. 1684

Here

Here Follows Mr. Willsons Relation:

CAROLINA, is that part of *Florida*, which lies between 29 and 36 Degrees, and 30 Minutes of Northern Latitude. On the East it is washed with the *Atlantick Ocean*, and is bounded on the West by *Mare Pacificum* (or the South Sea) and within these bounds is contained the most healthy Fertile and pleasant part of *Florida*, which is so much commended by the *Spanish* Authors.

This *Province of Carolina*, was in the year 1663. Granted by *Letters Patents* in Propriety of his most Gracious Majesty, unto the Right Honourable *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkely*, *Anthony Lord Ashly*, now *Earl of Shaftsbury*, *Sir George Carteret*, & *Sir John Colleton*, Knights and Barronets, *Sir William Berkely* Knight, by which *Letters Patents* the *Laws of England* are to be of force in *Carolina*: but the *Lords Proprietors* have power with the consent of the *Inhabitants* to make *By-Laws* for the better Government of the said *Province*: so that no money can be raised or Law made, without the consent of the *Inhabitants* or their Representatives. They have also power to appoint and empower *Governours* and other *Magistrates* to Grant *Liberty of conscience*, make *Constitutions*, &c. With many other great Priviledges, as by the said *Letters Patents* will more Largely appear. And the said *Lords Proprietors* have there settled a constitution of Government, whereby is granted *Liberty of Conscience*, & wherein all possible care is taken for the equal administration of Justice, & for the lasting Security of the *Inhabitants* both in their Persons and Estates.

By the care and endeavours of the said *Lords Proprietors*, and at their very great charge, two Colonys have been settled in this *Province*, the one at *Albemarle* in the most Northerly part, the other at *Ashly River*, which is in the Latitude of 32 Degrees odd Minutes.

Albemarle bordering upon *Virginia*, and only exceeding it in Health, Fertility, and Mildness of the Winter, is in the Growths, Productions, and other things much of the same nature with it: Wherefore I shall not trouble the Reader with a particular Description of that part; but apply my self principally to discourse

of the *Collony* at *Ashly-River*, which being many Degrees more Southward than *Virginia*, differs much from it in the Nature of its Clymate and Productions.

Ashly-River was first settled in *April* 1670: the Lords Proprietors having at their sole charge, set out three Vessels with a considerable number of able Men; eighteen Monthes Victuals, with Cloths, Tools, Ammunition, and what else was thought necessary for a new Settlement, and continued at this charge to supply the *Collony* for divers years after, until the Inhabitants were able by their own Industry to live of themselves; in which condition they have been for divers years past, and are arrived to a very great degree of plenty of all sorts of Provisions. Inso-much that most sorts are already cheaper there, than in any other of the *English Collonys*, and they are plentifully enough supplied with all things from *England* or other parts.

Ashly-River, about seven miles in from the Sea, divides it self into two Branches; the Southermost retaining the name of *Ashly-River*, the North Branch is called *Cooper-River*. In *May* 1680. the Lords Proprietors sent their Orders to the Government there appointing the Port Town for these two Rivers to be Built on the poynt of Land that divides them, and to be called *Charles Town*, since which time about an 100. Houses are there built, and more are Building daily by the persons of all sorts that come thereto Inhabit, from the more Northern *English Collonys*, and the *Sugar Islands*, *England* and *Ireland*; and many persons who went to *Carolina* servants, being Industrious since they came out of their times with their Masters, at whose charge they were Transported, have gotten good stocks of Cattle, and servants of their own; have here also Built Houses, and exercise their Trades; And many that went thither in that condition, are now worth several Hundreds of pounds, and live in a very plentiful condition and their Estates still encreasing. And Land is become of that value near the Town, that it is sold for twenty Shillings per Acre, though plliaged of all it valuable Timber, and not clear'd of the rest, and Land that is clear'd and fitted for Planting and Fenced, is let for ten Shilling per annum the Acre thought twenty miles distant.

distant from the Town, and six men will in six weeks time, Fell Clear, Fence in and fit for Planting six Acte of Land.

At this Town, in November 1680, there Rode at one time sixteen Sail of Vessels (sum of which were upwards of 200 Tuns) that came from divers parts of the Kings Dominions to trade there, which great contourse of shipping, will undoubtedly in a short time make it a considerable Town.

The *Eastern Shore of America*, whether it be by reason of its having the great Body of the Continent to the Westward of it, and by consequence the Northwest-wind (which Flows contrary to the Sun) the Freezing-Wind, as the North-East is in *Europe*, or that the Frozen Lakes which Lye in, beyond *Canada*, and lye North and West from the shore, Impregnate the freezing Wind with more chill and congealing qualities, or that the uncultivated Earth, covered for the most part with large Shading Trees, breathes forth more nitrous Vapours, than that which is cultivated; or all these Reasons together, it is certainly much more cold than any part of *Europe*, in the same Degree of Latitude of thirty nine and Forty, and more North, though above six hundred Miles nearer the Sun than *England*; is notwithstanding, many Degrees colder in the Winter.

The author having been informed by those that say they have seen it, that in those Parts it Freezeth above six Inches thick in a Night, and great navigable Rivers are Frozen over in the same space of time; and the Country about *Ashly-River*, though within nine Degrees of the *Tropick*, hath seldom any Winter that doth not produce some Ice, though I cannot yet learn that any hath been seen on Rivers or Ponds, above a quarter of an Inch thick, which vanisheth as soon as the Sun is an hour or two high, and when the Wind is not at North-west, the weather is very mild. So that the *December* and *January* of *Ashly-River*, I suppose to be of the same Temperature with the latter end of *March*, and beginning of *April* in *England*, this small Winter causeth a fall of the Lease, & adapts the Country to the production of all the Grains & Fruits of *England* as well as those that require more Sun; in so much, that at *Ashly-River*, the Apple, the Pear, the Plum, the

Quince, Apricock, Peach, Medlar, Walnut, Mulbery, & Chesnut, thrive very well in the same Garden, together with the Orange, the Lemon, the Olive, the Pomgranate, the Fig and Almond; nor is the winter here Cloudy, Overcast, or Foggy, but it hath been observed that from the twentieth of *August* to the tenth of *March*, including all the Winter Months, there have been but eight overcast dayes; and though Rains fall pretty often in the Winter, it is most commonly in quick Showers, which when past, the Sun shines out clear again.

The Summer is not near so hot as in *Virginia*, or the other Northern *American* English Collonys, which may hardly gain belief with those that have not considered the reason; which is its neerness to the *Tropicks*, which makes it in a greater measure than those parts more Northward partake of those Breezes, which almost constantly rise about eight or nine of the clock, within the *Tropicks*, and blow fresh from the *East* till about four in the Afternoon; and a little after the Sea-breeze dys away, there rises a North-wind, which blowing all night, keeps it fresh and cool. In short, I take *Carolina* to be much of the same nature with those delicious Countries about *Aleppo*, *Antioch*, and *Smyrna*: but hath the advantage of being under an equal *English* Government.

Such, who in this Country have seated themselves near great Marshes, are subject to Agues, as those are who are so seated in *England*: but such who are planted more remote from Marshes or standing Waters, are exceeding healthy; insomuch, that out of a Family consisting of never less than twelve Persons, not one hath died since their first arrival there, which is nine years: but what is more, not one hath been sick in all that time; nor is there one of the Masters of Families that went over in the first Vessels, dead of sickness in *Carolina*, except one who was seventy and five years of age before he came there; though the number of those Masters of Families be pretty considerable: divers persons that went out of *England* Pitsical, and Consumptive, have recover'd and others subject in *England* to frequent fits of the Stone have been absolutely freed from them after they have been there

a short time; nor is the Gout there yet known. The Ayr gives a strong Appetite and quick Digestion, nor is it without suitable effects, men finding themselves apparently more lightsome, more prone, and more able to all Youthful Exercises, than in *England*, the Women are very Fruitful, and the Children have fresh Sanguine Complexions.

The Soyle is generally very fertile, but hath some sandy tracts so as to make an agreeable variety, but even this Land produceth good Corn and is excellent pasture; *Wheat, Rye, Barly, Oates*, and *Pease*, thrive exceedingly, and the ground yeilds in greater abundance than in *England*, *Turnips, Parsnips, Carrots, Potatos*, and *Edoes*, a substantial wholesome nourishing Root growes well, and all excellent in their kindes they have near twenty sorts of Pulse that we have not in *England*, all of them very good food, inso much that the *English* Garden Bean is not regarded.

Near the Sea the Trees are not very large, they grow pritty near together; farther up they are larger, and grow farther asunder, and are in most parts free from Underwood, so that you may see near half a mile amongst the bodyes of large tall timber trees, whole tops meeting make a very pleasing shade, yet hinders not grass, mirtle and other sweet scenting shrubs here and there from growing, under them: Amongst these Groves of Timber Trees are here and there Savana's (or grassy plaines) of several magnitudes clear of Trees, which hath occasion'd some that have seen them to compare *Carolina* to those pleasant Parks in *England*, that have abundance of tall Timber Trees unlop'd, here you may hunt the Hare, Fox, and Deere all day long in the shade, and freely spur your horse through the *Woods*, to follow the chase.

This Country hath the Oak, Ash, Elm, Poplar, Beech, & all the other sorts of usefull Timber that *England* hath, & divers sorts of lasting Timber that *England* hath not, as Cedar white & red, Cypress, Locust, Bay, & Laurell Trees, equal to the biggest Oaks, large Virentles, Hickery, black walnut, & Pynes big enough to Mast the greatest ships, & divers other sorts, which I cannot enumerate.

The

The woods abound with *Hares, Squirrels, Rabbits, Possums, Conyes* and *Deere*, which last are so plenty that an Indian hunter hath kill'd nine fatt Deere in a day all shott by himself, and all the consierable Planters have an Indian hunter which they hire for less than twenty shillings a year, and one hunter will very well find a Family of thirty people with as much Venison and Fowl, as they can well eat: Here are also in the woods great plenty of wild *Turkeys, Partridges*, something smaller than those of *England*, but more delicate, *Turtle Doves, Paraquetos, & Pigeons*: On the grassy plaines the whistling *Plover* and *Cranes* and divers sorts of Birds unknown in *England*.

Carolina doth so abound in Rivers, that within fifty miles of the Sea you can hardly place your self seven miles from a Navigable River, and divers are navigable for good big Vessels above three hundred miles: The Rivers abound with variety of excellent Fish, and near the Sea with very good Oysters, in many of which are Pearl: the Author having seen Pearl that have been taken out of some of them bigger than Rouncival Pease, and perfectly round. On the Rivers and brooks are all the winter months vast quantities of *Swan, wild Geeje, Duck, Widgeon, Teale, Curlew, Snipe, Shell Draks*, and a certain sort of *black Duck* that is excellent meat, and stayes there all the year.

Neat Cattle thrive and increase here exceedingly, there being particular Planters that have already seven or eight hundred head, and will in a few years in all probability, have as many thousands, unless they sell some part; the Cattle are not subject to any Disease as yet perceiv'd, and are fat all the Year long without any Fother, the little Winter they have, not pinching them so as to be perceiv'd, which is a great advantage, the Planters here have of the more Northen Plantations who are all forc'd to give their cattle Fother, and must spend a great part of their Summers Labour in providing three or four Months Fother for their cattle in the Winter, or else would have few of them alive in the Spring, which will keep them from ever having very great Heards, or be able to do much in Planting any commodity for Forreign Markets; the providing Winter Food for their
cattle

cattle, taking up so much of their Summers Labour ; So that many Judicious Persons think that *Carolina* will be able by Sea, to supply those Northern Colonys, with salted Beef for their Shipping, cheaper then they themselves with what is bred amongst them ; for, considering that all the Woods in *Carolina* afford good Pasturage, and the small *Rent* that is paid to the *Lords Proprietors* for Land, an Ox is raised at almost as little expence in *Carolina*, as a Hen is in *England*. And it hath by experience been found that Beef will take salt at *Asby-River* any Month in the Year, and save very well.

Ewes have most commonly two or three Lambs at a time ; their Wool is a good Staple, and they thrive very well, but require a Shepherd to drive them to Feed, and to bring them home at night to preserve them from the Wolves.

Hogs increase in *Carolina* abundantly, and in a manner without any charge or trouble to the Planter only to make them Sheds, wherein they may be protected from the Sun and Rain, and Morning and Evening to give them a little Indian Corn, or the pickings and parings of *Potatoes*, *Turnips*, or other Roots, and at the same time blowing a Horn, or making any other constant noyse, to which being us'd, they will afterwards upon hearing it, repair home, the rest of their Food they get in the Woods, of Masts, and Nuts of several sorts ; and when those fail, they have Grass and Roots enough, the ground being never frozen so hard as to keep them from Rooting, these conveniences breeds them large, and in the Mast time they are very fat, all which makes the rearing them so easie, that there are many Planters that are single and have never a Servant, that have two or three hundred Hogs, of which they make great profit ; *Barbados*, *Jamaica*, & *New-England*, affording a constant good price for their Pork ; by which means they get wherewithal to build them more convenient Houses, and to purchase Servants and *Negro slaves*.

There have been imported into *Carolina* about an hundred & fifty Mares and some Horses from *New-York*, and *Road-Island*, which breeds well, and the Colts they have are finer Lim'd and Headed than their Dames or Sires, which gives great hopes
of

of an excellent breed of Horses, as soon as they have gotten good Stallions amongst them.

Negros, By reason of the mildness of the Winter thrive and stand much better, than in any of the more Northern Collonys and requir less clothes, which is a great charge saved.

With the Indians the *English* have a perfect friendship, they being both usefull to one another. And care is taken by the *Lords Proprietors*, that no Injustice shall be done them; In order to which they have established a particular Court of Judicature, (compos'd of the soberest and most disinterested Inhabitants) to determine all differences that shall happen between the *English* and any of the *Indians*, this they do upon a Christian and Moral Consideration, and not out of any apprehension of danger from them, for the *Indians* have been always so engaged in Wars, one Town or Village against another (their Government being usually of no greater extent) that they have not suffered any increase of People, there having been several Nations in a maner quite extirpated by Wars amongst themselves since the *English* settled at *Ashly-River*: This keeps them so thin of people, and so divided, that the *English* have not the least apprehensions of danger from them; the *English* being already too strong for all the *Indians* within five hundred Miles of them, if they were united, and this the *Indians* as well know, that they will never dare to break with the *English*, or do an Injury to any particular person, for fear of having it reveng'd upon their whole Nation.

The *Lords Proprietors* do at present grant to all persons that come there to Inhabit as follows viz. To each Master or Mistress of a Family fifty acres, and for every able son or man servant they shall carry or cause to be transported into *Carolina* fifty acres more, and the like for each Daughter or woman servant that is marriageable, and for each child, man or woman servant under sixteen years of age, forty acres, and fifty acres of Land to each servant when out of their time, this Land to be enjoy'd by them and their Heirs for ever they paying a Penny an Acre Quit-rent to the *Lords Proprietors*, the Rent to commence in

two years after their taking up their Land. But forasmuch as divers persons who are already Inhabitants of *Carolina*, and others that have Intentions to transport themselves into that *Province*, desire not to be cumber'd with paying of a Rent, and also to secure to themselves good large convenient tracts of Land, without being forc'd to bring thither a great number of servants at one time; The *Lords Proprietors* have been Prevail'd upon, and have agreed to sell to those who have a mind to buy Land, after the rate of fifty pound for a Thousand Acres, reserving a Pepper-Corn *per annum* Rent when demanded.

The way of any ones taking up his Land, due to him either by carrying himself or servants into the Country, or by purchasing it of the *Lords Proprietors*, is after this manner. He first seeks out a place to his mind that is not already possessed by any other, then applies himself to the Governour and proprietors Deputys, and shew what rights he hath to Land, either by Purchase or otherwise; who thereupon issue out their Warrant to the Surveyor-General to measure him out a plantation containing the number of acrs due to him; who making Certificate that he hath measur'd out so much Land and the Bounds, a Deed is prepar'd of course, which is signed by the Governour and the *Lords Proprietors* Deputys, and the *Proprietors* Seal affixed to it and Register'd, which is a good Conveyance in Law of the Land therein mention'd, to the party and his Heirs for ever.

I have here, as I take it, described a pleasant & fertile Country, abounding in health and pleasure, and with all things necessary for the sustenance of mankind, and wherein I think I have written nothing but truth, sure I am I have inserted no willful falshood: I have also told you how men are to have Land that go there to Inhabit. But a rational man will certainly inquire, When I have Land, what shall I doe with it? what Commodities shall I be able to produce that will yeild me money in other Countrys, that I may be inabled to buy *Negro* slaves (without which a Planter can never do any great matter) and purchase other things for my pleasure & convenience,

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that

that *Carolina* doth not produce. To this I answer, That besides the great profit that will be made by the vast herds of Cattle and Swine, the Country appears to be proper for the Commodities following, *viz.*

Wine. There are growing naturally in the Country five sorts of Grapes, three of which the French Vignaroons who are there, judge will make very good Wine, and some of the *Lords Proprietors* have taken care to send plants of the *Rhenish, Canary, Claret, Muscatt, Madera,* and *Spanish Grapes*, of all which divers Vinyards are planted; some wine was made this year that proved very good both in colour and taste, and an indifferent good quantity may be expected the next year: The Country hath gentle rising hills of fertil sand proper for Vines, and farther from the Sea, rock and gravel, on which very good grapes grow naturally, ripen well, and together, and very luscious in taste, inasmuch as the French Protestants who are there, and skil'd in wine, do no way doubt of producing great quantities and very good.

Oyl. There are severall *Olive* trees growing, which were carry'd thither, some from *Portugal*, and some from *Bermudas* & flourish exceedingly, and the Inhabitants take great care to propagate more, so that in all probability it will be an excellent *Oyl-Country*.

Silk. There is in *Carolina* great plenty of *Mulberry* Trees, such as are by experience found to feed the *Silk-worm* very well, yea as well as the white *Mulberry*, but there is of that sort also, which are propagated with a great deal of ease, a stick new cut and thrust into the ground, seldom failing to grow, & so likewise if the Seed of them be sown.

Tobacco. *Tobacco* doth here grow very well, and is nearer to the nature of the *Spanish Tobacco* than that of *Virginia*.

Indigo. *Indigo* thrives well here, and very good hath been made.

Cotton. *Cotton* of the *Cyprus* and *Smyrna* sort will grow well, and good plenty of the Seed is sent thither:

Flax & Hemp Thrives exceedingly.

Good.

Good plenty of Pitch and Tar is there made, there being particular persons that have made above a thousand batrels.

Here is great plenty of Oake for Pipe staves, which are a good Commodity in the *Maderas, Canaries, Barbados, and the Leeward Islands.*

Sumack. Sumack growes in great abundance naturally, so undoubtly would *Wheat, Madder & so-Flower,* if planted.

Drugs. Jallop, Sassa-parilla, Turmerick, Sassafras, Snake-root, and divers others.

In short, This Country being of the same Clymate and Temperature of *Aleppo, Smyrna, Antioch, Judea,* and the Province of *Nankin,* the richest in *China,* will (I conceive) produce any thing which those Countrys do, were the Seeds brought into it.

The Tools that men who go thither ought to take with them are these, viz. An Ax, a Bill and a broad Hoe, & grabbing Hoe, for every man, and a cross cut Saw to every four men. a Whip-saw, a set of Wedges and Fraus and Betle-Rings to every family, and some Reaping Hooks and Sythes, as likewise Nails of all sorts Hooks, Hinges, Bolts and Locks for their Houses.

The Merchandizes which sell best in *Carolina,* are Linnen & Wollen, and all other Stuffs to make cloaths of, with Thread Sowing Silk, Buttons, Ribbons, Hats, Stockings, Shoes, &c. which they sell at very good Rates, and for these goods any man may purchase the Provisions he hath need of.

The Passage of a man or woman to *Carolina,* is five Pound, Ships are going thither all times of the year. Some of the *Lords Proprietors* or my self, will be every Tuesday at 11 of the clock at the *Carolina* Coffee-house in *Burching-Lane* near the Royal Exchange, to inform all people what Ships are going or any other thing whatsoever.

An Abstract of the Patent granted by the King,
the 30th of June, in the 17th Year of his
Reign, under the Broad Seal of England, un-
to *Edward Earl of Clarendon, George Duke*
of Albermarle, William Earl of Craven, John
Lord Berkeley, Anthony Lord Ashly, Sir
George Carteret, & Sir John Colleton, Knights
& Baronets, & Sir William Berkeley Knight,
their Heirs and Assigns,

Impri. **A** S a mark of our particular favour, we do give
and Grant all that Province, Territory, or Tract
of Land lying within our Dominions of America, extending
North and East-ward as far as the North-end of Caraliuck-
River, or Inlet upon a straight Westerly Line to Wyanoake-
Creek, which lies within or about the Degrees of 36 and 30
Minutes Northern Latitude, and so West in a direct line as
far as the South Seas, & South & Westward as far as the Degrees
of 29 inclusive, Northern Latitude: And so West in a direct
line as far as the South Seas.

2. Also all Ports, Harbours, Bays, Rivers, and Inlets
belonging to the Province and Territory aforesaid.

3. All the Soyl, Land, Field, Woods, Mountains,
Fens: Lakes, Rivers, Bays, and Inlets within the limits
before mentioned: with the Fishing of all sorts of Fish to-
gether with the Royalty of the Sea upon that Coast: And
all Mines, Mines and Quarries of Gold, Silver, Gems,
and Precious Stones, or any other thing whatsoever.

4. The Patronage and Advowsons of all Churches
and Chappels, with License to build and found Churches
to exercise and enjoy as ample priviledges &c. as any
Bishop

Bishop of Durham, in our Kingdom of England.

5. We do by these presents constitute the aforesaid Persons, their Heirs and Assigns, the true and absolute Lords and Proprietors of the said Province, to be holden of Us, our Heirs and Successors, as of our Manor of East-Greenwich, in our County of Kent, in free and common Socage, and not in capite, nor by Knights service, paying yearly for the same the fourth part of all Gold and Silver-Mine which shall from time to time be found, besides the yearly Rent of twenty Mark.

6. We do grant full power to the aforesaid Proprietors, to make several Counties, Baronies, and Colonies, within the said Province with several and distinct liberties Priviledges, &c.

7. Also to make, ordain, and erect, and under their Seals to publish any Laws and Constitutions; by and with the advice, assent, and approbation of the freemen of the said Province, or of the freemen of the County, Barony, or Colony, for which such Law or Constitution shall be made or of the greater part of them, or their Delegates: And likewise to erect any Courts of Judicature, and establish any Judges, Justices, Magistrates, or Officers, as well within the said Province, as at Sea. Also to pardon, whether before Judgment or after, all Crimes and Offences against the said Laws, and to do all & every other thing which to the compleat establishment of Justice unto Courts, Sessions, and forms of Judicature, and manners of proceeding therein do belong, and we do enjoin it shall be absolute firm and inviolable in Law, and all the Liege people of Us, our Heirs and Successors, within the said Province, do observe and keep the same. Provided the said Laws be consonant to Reason, and as near as may be conveniently agreeable to the Laws and Customs of this our Kingdom of England.

8. And because such Assemblies of Freeholders cannot be so suddainly called as occasion may require, we do
grant

grant to the Proprietors, their Heirs and Assigns, by themselves or their Magistrates full power to ordain wholesome Orders and Ordinances, within the Territory aforesaid; so as they be reasonable and not repugnant or contrary, but as near as may be agreeable to the Laws of England.

9. And to the end the said Province may be the more happily increased by the multitude of people resorting thither: We for Us, our Heirs and Successors, do give and grant License to all the Leige-people of Us, our Heirs and Successors, (excepting those who shall be specially forbidden) to Transport themselves and Families into the said Province, and there to settle themselves and Inhabit.

10. That the Subjects and Leige people of Us, our Heirs and Successors, Transported or to be Transported into the said Province, or such as shall descend from them, be Denizens and Leiges of Us, &c

11. Full liberty and license to lade and freight in any Ports whatsoever, of Us, &c and Goods not prohibited by the Laws of our Kingdoms: saving to Us, &c. the Customs and other Duties due for the said Goods.

12. Full liberty & licence at any time from the Feast of Saint Michael the Arch-Angel, Ann. 1667. As well to import into any of our Dominions from the said Province of Carolina these several Commodities. viz. Silk, Wines, Currants, Raisins, Capers, Wax, Almonds, Oyl, and Olives, without paying any Custom, or other Duty for the same; and this to continue during the space of seven Years, to commence from and after the first Importation of four Tuns of any the said Goods, in any one Bottom or Vessel. As also to export and carry out of our Dominions into the said Province Custom-free, all sorts of Tools which shall be useful and necessary for the Planters there in the Improvements of the Premises.

13. Full Power to Erect and Constitute Sea-Ports, &c. for Lading and Unlading of Goods, and likewise the

Proprietors to have and enjoy the Customs and Subsidies in the Ports, &c. aforesaid for Goods, &c. there Laden or Unladen: The said Customs to be reasonably assessed by themselves, with the Consent of the Free People there, or the greatest part of them,

14. Full and absolute Licence, Power, and Authority, from time to time, for ever, to Assign, Alien, Grant, Demise, or Enfeoff, the Premises or any part thereof, to be held by the said Person or Persons, their Heirs, &c. In Fee-simple, or Fee-tail, or for term of Life, or Lives, or Yeares of the said Proprietors, by such Rents, Services, and Customs, as shall seem fit unto them.

15. Full Power and Authority to confer Honours, so as they be not such as are conferred upon any of the Subjects of England.

16. Further, we do give and grant full Power to erect as many Forts, Fortresses, Castles, Cities, Burroughs, Towns, Villages, &c. and furnish with Ordnance and all other Weapons, Ammunition, &c. as shall be thought fit, with all the Liberty, &c. within any Corporations in England. Also to erect as many Markets and Faires, as shall be thought necessary. And likewise to erect so many Mannors with such Seigniories as to them shall seem meet. And in each Mannor to hold a Court-Baron with all things whatsoever thereunto belonging. And to hold viewes of Frank-pledge and Court-Leets, to be holden by Stewards deputed by the Proprietors, or by the Lords of other Mannors and Leetes.

17. To Levy, Muster, and Train, all sorts of Men. To pursue an Enemy as well by Sea as Land, even without the limits of the said Province, and them to put to death by the Law of War, and to do all other things which to the Captain General of an Army belongs.

18. We do grant unto the Proprietors & Inhabitants of the said Province, that the said Province & inhabitants thereof shall not be held or reputed any part of any Colony

in America, or elsewhere, nor be depending on their Government: but that they be subject immediately to our Crown of England. And that the Inhabitants of the said Province shall not be any ways lyable to appear or answer to any matter whatsoever out of the Province aforesaid, except in our Realm of England. &c.

19. Our will and pleasure is, and we do give & grant unto the Proprietors, free License, Liberty, and Authority, to give and grant to such Persons as cannot in their private Opinions conform to the publick exercise of Religion, such Indulgences or Dispensations as they shall think fit.

20. And if it shall happen that any doubts or questions shall arise concerning the true sense and understanding of any Word, Clause, or Sentence, contained in this our present Charter. We will, ordain and command, that at all times, and in all things such Interpretation be made thereof, & allowed in all and every of our Courts whatsoever, as Lawfully may be adjudged most advantageous & favourable to the aforesaid Proprietors, their Heirs and Assigns,

In Witness whereof we have caused these our Letters to be made Patents, Witness our Self at *Westminster*, the thirtieth day of *June*, In the seventeenth Year of our Reign.

FINIS.

The FUNDAMENTAL Constitutions of Carolina.

OUR Sovereign Lord the King having out of his Royal Grace and Bounty, granted unto us the *Province of Carolina*, with all the Royalties, Proprieties, Jurisdictions, and Priviledges of a County *Palatine*, as large and ample as the County *Palatine* of *Durham*, with other great priviledges; for the better settlement of the Government of the said place, and Establishing the Interest of the *Lords Proprietors*, with Equallity, and without Confusion, and that the Government of this *Province* may be made most agreeable to the *Monarchy* under which we live, and of which this *Province* is a part, and that we may avoid erecting a numerous Democracy, We the *Lords and Proprietors* of the *Province* aforesaid, have agreed to this following Forme of Government, to be perpetually established amongst us, unto which we do oblige our selves, our heires, assignes, and successors, in the most binding ways that can be Devised.

§. 1. The Eldest of the *Lords Proprietors* shall be *Palatine*, and upon the decease of the *Palatine*, the eldest of those who were *Proprietor*, the first of *March*, 1669. shall succeed him, and when none of them are living, he that hath been longest a *Proprietor* shall succeed; But after the year 1700. The eldest man of the *Lords Proprietors* shall always be *Pallatine*.

§. 2. There shall be 7 other chief Offices Erected, (*viz.*) The *Admiralls*, *Chamberlains*, *Chancellors*, *Constables*, *Chief Justices*, *High Stewards*, and *Treasurers*; which places shall be enjoy'd by none but the *Lords Proprietors*, to be assigned at first by Lott, and upon the vacancy of any one of the 7 great Offices by death or other wayes, the eldest of those who were *Proprietors* the first of *March* 1669 shall have his choice, and when none of them are living, he that hath been longest a *Proprietor* shall have his choice. But after the year 1700, if none of those that were *Proprietors* in the year 1669 are then living the eldest man of the then *Lords Proprietors* shall have his choice.

S. 3. The whole *Province* shall be divided into Counties, each County shall consist of eight Signiories, eight Baronys, and four Precincts, each Precinct shall consist of six Collonys.

S. 4. Each Signiory, Barony, and Collony, shall consist of twelve thousand Acres, the eight Signiories being the share of the eight *Proprietors*, and the eight Baronys of the Nobility, both which shares, being each of them one fifth part of the whole, are to be perpetually Annexed, the one to the *Proprietors*, the other to the *Hereditary Nobility*, leaving the Colonys, being three fifths, among the people, that so in setting out, and planting the Lands the ballance of the Government may be preserved.

S. 5. At any time before the year 1701 any of the *Lords Proprietors* shall have power to relinquish alienate, and dispose to any other person, his Proprietorship and all the Signiories, powers and Interest thereunto belonging wholly and intirely together, and not otherwise. But after the year 1700. those who are then *Lords Proprietors* shall not have power to alienate or make over their *Proprietorship* with the Signiories and Privileges thereunto belonging, or any part thereof, to any person whatsoever, otherwise than as in S. 18. but it shall all descend unto their heires Male, and for want of heires Male, it shall all descend on that *Landgrave*, or *Cassique* of *Carolina*, who is descended of the next heir Femal of the said *Proprietors*, and for want of such heires, it shall descend on the next heir general, and for want of such heires the remaining seven *proprietors* shall upon the vacancy chuse a *Landgrave* to succeed the deceased *proprietor*, who being chosen by the Majority of the seven surviving *proprietors*, he and his heires succesively shall be *Proprietors* as fully to all intents and purposes as any of the rest.

S. 6. That the number of eight *Proprietors* may be constantly kept, if upon the vacancy of any *proprietorship*, the seven surviving *proprietors*, shall not chuse a *Landgrave* to be a *proprietor*, before the second *Biennial* Parliament after the vacancy: Then the next *Biennial* Parliament but one after such vacancy, shall have power to chuse any *Landgrave* to be *proprietor*.

7. Whosoever after the year 1700. either by inheritance

or choice, shall succeed any *Proprietor* in his *proprietorship*, and Signiories thereunto belonging, shall be obliged to take the name and armes of that *Proprietor* whom he succeeds, which from thenceforth shall be the Name and Armes of his family and and there posterity.

§. 8 Whatsoever *Landgrave* or *Cassique* shall any way come to be a *Proprietor*, shall take the Signiories annexed to the said *Proprietorship*; but his former *Dignity*, with the *Baronys* Annexed, shall devolve into the hands of the *Lords Proprietors*.

§. 9 There shall be Just as many *Landgraves* as there are Counties, and twice as many *Cassiques* and no more, these shall be the hereditary Nobility of the Province, and by right of their dignity be Members of Parliament, each *Langrave* shall have four *Baronys*, and each *Cassique* two *Baronys*, hereditarely and unalterably annexed to, and settled upon the said dignity.

§. 10 The first *Landgraves* and *Cassiques* of the twelve first Counties to be planted, shall be nominated thus; that is to say, of the twelve *Landgraves* the *Lords proprietors* shall each of them separately for himself nominate and chuse one, and the remaining four *Landgraves* of the first twelve, shall be nominated and chosen by the *Palatines* Court, in like maner of the twenty four first *Cassiques*, each *proprietor* for himself shall nominate and chuse two, and the remaining eight shall be nominated and chosen by the *Palatines* Court, and when the twelve first Counties shall be planted, the *Lords Proprietors* shall again in the same manner nominate and chuse twelve more *Landgraves* and twenty four *Cassiques* for the twelve next Counties to be planted, that is to say two thirds of each number by the single nomination of each *proprietor* for himself & the remaining one third by the joynt election of the *Palatines* Court, and so proceed in the same manner till the whole Province of *Carolina* be set out and planted according to the Proportions in these Fundamental constitutions.

§. 11 Any *Landgrave* or *Cassique* at any time before the year 1701 shall have power to alienate, sell or make over to any other person his dignity with the *Baronys* thereunto belonging

all intirely together, but after the year 1700. no Landgrave or Cassique shall have power to alienate, sell, make over, or let the hereditary Baronies of his dignity or any part thereof, otherwise than as in §. 18. but they shall all intirely, with the dignity thereunto belonging, descend unto his heirs Males, & for want of heirs Male, all intirely & undivided to the next heir general, & for want of such heirs, shall devolve into the hands of the Lords Proprietors.

§ 12 That the due number of Landgraves and Cassiques, may be always kept up, if upon the devolution of any Landgraveship or Cassiqueship, the Palatines Court shall not settle the devolved dignity, with the Baronies thereunto annexed, before the second Biennial Parliament after such devolution, the next Biennial Parliament but one after such devolution shall have power to make any one Landgrave or Cassique in the room of him, who dying without heires, his dignity and Baronys devolved.

§. 13 No one person shall have more then one dignity with the Signiories or Baronys thereunto belonging, but whensoever it shall happen that any one who is already Proprietor, Landgrave or Cassique shall have any of these dignities, descend to him by Inheritance, it shall be at his choice to keep which of the dignities, with the lands annexed he shall like best, but shall leave the other, with the lands annexed, to be enjoyed by him, who not being his heire apparent and certain successor to his present dignity, is next of blood.

§. 14 Whosoever by right of inheritance shall come to be Landgrave or Cassique, shall take the Name and Armes of his predecessor in that dignity, to be from thenceforth the Name and Armes of his family and there posterity.

§. 15 Since the dignity of Proprietor, Landgrave or Cassique, cannot be divided, and the signiories or Baronies thereunto annexed must for ever all intierly descend with, and Accompany that dignity whensoever for want of heirs Male it shall descend on the Issue Femal the eldest Daughter and her heirs shall be preferred, and in the Inheritance of those dignitys, and in the Signiories or Baronies annexed, there shall be no Coheires.

§. 16 In every Signiory, Barony, and Mannor the respective Lord shall have power in his owne Name to hold Court Leet there, for Trying of all causes both Civil & Criminal, but where it shall concern any person being no Inhabitant, vassal or Leet-man of the said Signiorie, Barony, or Mannor, he upon paying down of forty shillings to the *Lords Proprietors* use, shall have an appeal from the Signiorie or Barony Court, to the County Court, and from the Mannor Court to the precinct Court.

§. 17 Every Mannor shall consist of not less then three thousand Acres, and not above twelve thousand Acres in one intire piece and Colony, but any three thousand Acres or more in one piece, and the possession of one Man, shall not be a mannor, unless it be Constituted a mannor by the Grant of the *Palatines* Court.

§. 18 The Lords of Signiories and Baronys shall have power only of granting estates, not exceeding three lives or one and thirty years, in two thirds of the said Signiories or Baronies, and the remaining third shall be alwayes demesne.

§. 19 Any Lord of a Mannor may alienate sell or dispose, to any other person and his heirs for ever, his Mannor, all intirely together with all the priviledges and Leet-men thereunto belonging, so far forth as any other Colony lands, but no grant of any part thereof, either in Fee, or for any longer terme than three lives or one and twenty years, shall be good against the next heire.

§. 20 No Mannor, for want of issue Male shall be divided amongst Coheirs, but the Mannor, if there be but one, shall all intirely descend to the eldest Daughter and her heirs. If there be more Mannors than one, the Eldest Daughter first shall have her choice, the second next, and so on, beginning again at the eldest till all the Mannors be taken up, that so the priviledges which belong to Mannors being indivisible, the Lands of the Mannors to which they are annexed may be kept entire, and the Mannor not lose those priviledges which upon parcelling out to severall owners must necessarily cease.

§. 21 Every Lord of a Mannor, within his Mannor shall have all the powers, jurisdictions, and priviledge, which a
Landgrave

Landgrave or Cassique hath in his *Baronyes*

S. 22 In Every Seigniorie Barony and Mannor, all the Leetmen shall be under the jurisdiction, of the respective Lords of the said Seigniorie Barony or Mannor, without appeal from him, nor shall any Leetman or Leetwoman have libertie to go of from the Land of their particular Lord and live any where else without Licence obtained from their said Lord under hand and seal.

S. 23 All the Children of Leetmen shall be Leetmen and so to all Generations.

S. 24 No man shall be capable of having a Court Leet or Leetmen but a *Proprietor*, *Landgrave*, *Cassique*, or Lord of a Mannor.

S. 25 Whosoever shall Voluntarily enter himself a Leetman in the Registry of the County court shall be a Leetman.

S. 26 Whosoever is Lord of Leetmen, shall upon the Marriage of a Leetman or Leetwoman of his, give them ten Acres of land for their Lives, they paying to him therefore not more then one Eight part of all the yearly produce and groweth of the said ten Acres.

S. 27 No *Landgrave* or *Cassique* shall be tryd for any Criminal Cause in any but the Chief Justices Court, & that by a Jury of his Peers.

S. 28 There shall be Eight Supreme Courts, the first called the *Palatine* Court, consisting of the *Palatine*, and the other seven *Proprietors*. The other seven Courts of the other seven great Officers shall consist each of them of a *Proprietor*, and six *Councillors* added to him, under each of these latter seven Courts shall be a Colledge of twelve Assistants, the twelve assistants of the several Colleges shall be chosen; two out of the *Landgraves*, *Cassiques*, or eldest sons of *Proprietors* by the *Palatine* Court, two out of the *Landgraves* by the *Landgraves Chamber*, two out of the *Cassiques* by the *Cassiques Chamber*, four more of the twelve shall be chosen by the *Commons Chamber* out of such as have been or are Members of Parliament, Sheriffs or Justices of the County Court, or the Younger sons of *Proprietors* or eldest

sons of *Landgraves* or *Cassiques*, the two other shall be chosen by the *Palatines* Court, out of the same sort of persons out of which the *Commons* Chamber is to chuse,

§. 29 Out of these Colledges shall be chosen at first by the *Palatines* Court, six Councillors to be joyned with each *Proprietor* in his Court, of which six, one shall be of those who were chosen into any of the Colledges by the *Palatines* Court, out of the *Landgraves*, *Cassiques*, or eldest sons of *Proprietors*, one out of those who were chosen by the *Landgraves* Chamber, and one out of those who were chosen by the *Cassiques* Chamber, two out of those who were chosen by the *Commons* Chamber, and one out of those who were chosen by the *Palatines* Court out of the *Proprietors* Younger sons or Eldest sons of *Landgraves*, *Cassiques* or *Commons*. Qualified as aforesaid.

§. 30 When it shall happen that any Councillor dyes or is removed and thereby there is a vacancy, he that hath been longest a Councillor in any of the *Proprietors* Courts of the same degree and choise the other was of, whose vacant place is to be filled up, shall have his choise, whether he will remove into the place of the person that is Dead or removed; but if he refuse to remove the next in Seigniority of the same Degree, and choise shall have his choise and so of course the rest in order, and the last remaining vacant place in any of the aforesaid *Proprietors* Courts, shall be filled up by him that hath been longest of any of the Colledges being of the same degree and choise with him that is Dead or remov'd, & he that is next of Seigniority in the same degree and choise shall have power to remove himself if he please into that Colledge, where any place shall be vacant and so of course the rest, as in case of Councillors, but the last remaining vacant place in any Colledge, shall be filled up by the same choise; and out of the same degree of persons that he was of, who is dead or removed, no place shall be vacant in any of the *Proprietors* Courts or Colledges, longer then the next Session of Parliament.

§. 31 No man being a Member of the *Grand Council*, or of any of the seven Colledges, shall be turned out but for Misdeameanor of which the *Grand Council* shall be judge and the vacancy.

cancy of the person so put out, shall be fill'd as is provided in case of the Death of any *Councillor*. But it is not hereby to be understood, that the *Grand Council* hath any power to turn out any one of the *Lords Proprietors* or their *Deputies*, the *Lords Proprietors* having in themselves an inherent Original right.

§. 32 all *Elections* in the *Parliament*, in the several *Chambers* of the *Parliament* and in the *Grand Council*, shall be passed by *Balloting*.

§. 33 The *Palatines Court* shall consist of the *Palatine* and seven *Proprietors*, wherein nothing shall be Acted without the presence and consent of the *Pallatine* or his *Deputy*, and three others of the *Proprietors* or their *Deputies*. This Court shall have power to call *Parliaments*, to pardon all Offences, to make *Elections* of all officers in the *Proprietors* dispose, and to nominate and appoint *Port Townes*: And also shall have power by their order to the *Treasurer*, to dispose of all *publique Treasure*, excepting money granted by the *Parliament*, and by them directed to some particular *publique use*, and also shall have a *Negative* upon all *Acts, Orders, Votes, and Judgments* of the *Grand Council* and the *Parliament*, except onely as in §. 6: 12, and 51. and shall have all the powers granted to the *Lords Proprietors* by their *Patent* from our *Sovereign Lord the King*, except in such things as are limited by these *FUNDAMENTAL Constitutions*.

§. 34 The *Palatine* himself, when he in Person shall be either in the *Army*, or in any of the *Proprietors Courts*, shall then have the power of *General*, or of that *Proprietor* in whose Court he is then present, and the *Proprietor* in whose court the *Pallatine* then presides shall during his presence there, be but as one of the *Council*.

§. 35 The *Chancellors Court*, consisting of one of the *Proprietors* and his six *Councillors*, who shall be called vice-*Chancellors*, shall have the custody of the *Seal* of the *Pallatinate*, under which all *Charters* of *Lands* or otherwise, *Commissions* and grants of the *Palatines court*, shall pass. And it shall not be lawfull to put the *Seal* of the *Pallatinate* to any writing which
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is not Signed by the *Palatine* or his *Deputy*, and three other *Proprietors* or their *Deputies*. To this Court also belongs all *State Matters*, *Dispatches*, and *Treaties*, with the neighbour *Indians*. To this Court also belongs all Invasions of the *Law*, of *Liberty* of *Conscience*, and all Disturbances of the publick Peace upon pretence of *Religion*, as also the License of *Printing*. The twelve *Assistants* belonging to this Court, shall be called *Recorders*.

§. 36. Whatever passes under the *Seal* of the *Palatinate*, shall be *Registered* in the *proprietor's Court* to which the Matter therein contained belongs.

§. 37. The *Chancellor* or his *Deputy* shall be always *Speaker* in *Parliament*, and *President* of the *Grand Council*, and in his and his *Deputy's* absence, one of his *Vice-Chancellors*.

§. 38. The *chief Justices Court*, consisting of one of the *Proprietors* and his six *Councillors*, who shall be called *Justices* of the *Bench*, shall Judge all *Appeals* in Cases both *civil* and *criminal*, except all such cases as shall be under the Jurisdiction and Cognizance of any other of the *proprietors Courts*, which shall be *Tried* in those Courts respectively: The Government and Regulation of the *Registries* of Writings and contracts, shall belong to the Jurisdiction of this Court. The twelve *Assistants* of this Court shall be called *Masters*.

§. 39. The *Constables Court*, consisting of one of the *proprietors* and his six *Councillors*, who shall be called *Marshals*, shall order and determine of all *Military Affairs* by Land, and all Land-Forces, Armes, Ammunition, Artillery, Garrisons & Forts, &c. And whatever belongs unto War. His twelve *Assistants* shall be called *Lieutenant Generals*.

§. 40. In time of actual War the *Constable*, whilst he is in the Army, shall be *General* of the Army, & the six *Councillors*, or such of them as the *Palatines Court* shall for that time or Service appoint, shall be the immediate great Officers under him, and the *Lieutenant-Generals* next to them.

§. 41. The *Admiral's Court*, consisting of one of the *proprietors* and his six *Councillors*, called *Consuls*, shall have the care and inspection over all Ports, Moles, and Navigable Rivers, so far

as the Tide flows; and also all the publick Shipping of *Carolina*, and Stores thereunto belonging, and all *Maritime Affairs*. This Court also shall have the power of the *Court of Admiralty*; and shall have power to Constitute Judges in Port-Towns, to Try cases belonging to *Law-Merchant*, as shall be most convenient for Trade. The twelve *Assistants* belonging to this Court shall be called *Proconsuls*.

§. 42. In time of actual War, the admiral whist he is at Sea, shall command in chief, and his six *Councillors*, or such of them as the *Palatines Court* shall for that time and Service appoint, shall be the immediate great Officers under him, and the *proconsuls* next to them.

§. 43. The *Treasurers Court*, consisting of a *Proprietor* and his six *Councillors*, called *Under-Treasurers*, shall take care of all Matters that concern the publick *Revenue* and *Treasury*. The twelve *Assistants* shall be called *Auditors*.

§. 44. The *High Stewards Court*, consisting of a *Proprietor* and his six *Councillors*, called *Comptrollers*, shall have the care of all Foreign and Domestick Trade, *Manufactures*, publick *Buildings*, *Work-houses*, *High-ways*, passages by Water above the flood of the Tide, *Drains*, *Sewers* and *Banks* against Inundations, *Bridges*, *Post*, *Carriers*, *Fairs*, *Markets*, *Corruption* or *Infection* of the common *Air* or *Water*, and all things in order to the publick *Comerce* and *Health*; also Setting out and *Surveying* of Lands; and also Setting out and appointing places for *Towns* to be built on the *precincts*, and the prescribing and determining the Figure and bigness of the said *Towns*, according to such *Models* as the said Court shall order, contrary or differing from which *Models* it shall not be lawful for any one to Build in any *Town*. This Court shall have power also to make any publick *Building*, or any new *Highway*, or enlarge any old *High-way*, upon any Man's Land whatsoever, as also to make *Cutts*, *Channels*, *Banks*, *Locks*, and *Bridges*, for making Rivers Navigable, or for *Draining* Fens, or any other publick Use. The Damage of the Owner of such Lands (on or through which any such publick thing shall be made) shall receive thereby, shall be valued and Satisfac-

on made by such ways as the *Grand Council* shall appoint. The twelve *Assistants* belonging to this Court, shall be called *Surveyors*.

S. 45. The *Chamberlaines Court* consisting of a *Proprietor* and his six *Councillors* called *Vice-Chamberlains* shall have the care of all *Ceremonies*, *Precedency*, *Heraldry*, *Reception* of public Messengers, *Pedegrees*, the Registry of all *Births*, *Burials*, and *Marriages*, *Legitimation*, and all Cases concerning *Matrimony*, or arising from it; and shall also have power to regulate all *Fashions*, *Habits*, *Badges*, *Games*, and *Sports*. To this court also it shall belong, to *Convocate* the *Grand Council*. The twelve *Assistants* belonging to this Court, shall be called *Provosts*.

S. 46. All Causes belonging to, or under the Jurisdiction of any of the *Proprietors Courts*, shall in them respectively be Tried, and ultimately *Determined*, without any farther *Appeal*.

S. 47. The *Proprietors Courts* shall have a power to *Mitigate* all *Fines*, and *suspend* all *Executions* in Criminal causes, either before or after Sentence in any of the other *inferiour courts* respectively.

S. 48. In all *Debates*, *Hearings* of *Trials*, in any of the *Proprietors Courts*, the twelve *Assistants* belonging to the said Courts respectively, shall have liberty to be present, but shall not interpose, unless there *Opinions* be required, nor have any *Vote* at all; but their *Business* shall be, by the direction of the respective Courts, to prepare such *Business* as shall be committed to them; as also to bear such *Offices*, and dispatch such *Affairs*, either where the Court is kept, or elsewhere, as the Court shall think fit.

S. 49. In all the *Proprietors Courts*, the *Proprietor*, and any three of his *Councillors* shall make a *Quorum*; provided always, that for the better dispatch of *Business* it shall be in the power of the *Palatines Court* to direct what sort of causes shall be Heard and Determined by a *Quorum* of any three.

S. 50. The *Grand Council* shall consist of the *Palatine* and seven *Proprietors*, and the forty two *Councillors* of the several *Proprietors courts*, who shall have power to Determine any

Controversies that may arise between any of the *Proprietors Courts*, about their respective *Jurisdictions*, or between the Members of the same Court, about their *Manner and Methods of Proceeding*: To make *Peace and War, Leagues, Treaties, &c.* with any of the neighbour *Indians*: To Issue out their general Orders to the *Constables and Admirals' courts*, for the Raising, Disposing, or Disbanding the *Forces* by Land or by Sea.

§. 51. The *Grand Council* shall prepare all Matters to be purposed in *Parliament*. Nor shall any Matter whatsoever be proposed in *Parliament*, except as in §. 66. but what hath first passed the *Grand council*, which after having been read three several days in the *Grand council*, and there carryed by majority of Votes, shall be proposed to the *Parliament*; and in such Proposal, it shall not be necessary to have the consent of the *Palatines court*: which Law so purposed by the *Grand Council*, having been read three several days in *Parliament*, shall by majority of Votes be there passed or rejected.

§. 52. The *Grand council* shall alwayes be Judges of all causes and Appeals that concerne the *Palatine*, or any of the *Lords Proprietors*, or any *Councillor* of any *Proprietors court*, in any cause which otherwise should have been Tried in the Court in which the said *Councillor* is Judge himself.

§. 53. The *Grand council* by their Warrants to the *Treasurers court*, shall dispose of all the *Money* given by the *Parliament*, and by them directed to any particular publique Use.

§. 54. The *Quorum* of the *Grand council* shall be Thirteen, whereof a *Proprietor* or his *Deputy* shall be always one.

§. 55. The *Grand council* shall meet the first *Tuesday* in every Month, and as much oftner as either they shall think fit, or they shall be convocated by the *Chamberlains court*.

§. 56. The *Palatine* or any of the *Lords Proprietors*, shall have power under Hand and Seal, to be Registered in the *Grand council* to make a *Deputy*, who shall have the same power to all intents and purposes as he himself who deposes him, except in confirming Acts of *Parliament*, as in §. 76. and except also in nominating, and choosing *Landgraves and Cassiques*, as in §. 10. All

such *Deputations* shall cease and determin at the end of four Years, and at any time shall be revocable at the pleasure of the *Deputator*.

§. 57. No *Deputy* of any *Proprietor* shall have any power whilst the *Deputator* is in any part of *Carolina*, except the *proprietor* whose *Deputy* he is, be a *Minor*.

§. 58. During the *Minority* of any *Proprietor*, his *Guardian* shall have power to *Constitute* and appoint his *Deputy*.

§. 59. the eldest of the *Lords Proprietors*, who were *proprietors* the first of *March*, one Thousand six hundred Sixty and Nine, who shall be personally in *Carolina*, shall of course be the *Palatines Deputy*; and if no such *Proprietors* be in *Carolina*, he that hath been longest a *Proprietor* and is in *Carolina*, and of the Age of twenty one Years, shall be his *Deputy*; but after the Year one Thousand seven hundred, and the Decease of those that were *Proprietors* the first of *March*, one Thousand six hundred Sixty and Nine the eldest Man of the then *Lords proprietors* shall be alwayes the *Palatines Deputy*; but if no *Proprietor* be in *Carolina*, he shall chuse his *Deputy* out of the *Heirs Apparent* of any of the *Proprietors*, if any such be there; and if there be no *Heir Apparent* of any of the *Lords Proprietors* above one and twenty Years old in *Carolina*, then he shall chuse for *Deputy* any one of the *Landgraves*, or *cassiques* of the *Grand council*; and till he have by *Deputation* under Hand and Seal chosen any one of the forementioned *Heirs Apparent* or *Landgraves* to be his *Deputy*, the eldest Man of the *Landgraves*, and for want of a *Landgraze*, the eldest Man of the *cassiques* who shall be personally in *Carolina*, shall of course be his *Deputy*.

§. 60. Each *Proprietors Deputy* shall be always one of his own six *councillors* respectively; and in case any of the *Proprietors* hath not in his absence out of *Carolina* a *Deputy*, Commissioned under his Hand and Seal, the eldest *Nobleman* of his court shall of course be his *Deputy*.

§. 61. In every *County* there shall be a court, consisting of a *Sheriff* & four *Justices* of the county, for every *Precinct* one. The *Sheriff* shall be an *Inhabitant* of the county, and have at least five hun-

Two hundred Acres of Freehold within the said County; and the Justices shall be Inhabitants, and have each of them five hundred Acres apiece Freehold within the Precinct for which they serve respectively. These five shall be chosen and Commissioned from time to time by the *Palatines Court*.

§. 62. For any *personal Causes* exceeding the value of two hundred Pounds *Sterling*, or in Title of *Land*, or in any *criminal cause*, either Party upon paying twenty Pounds *Sterling* to the *Lords Proprietors* use, shall have liberty of *Appeal* from the *County court* unto the respective *Proprietors court*.

§. 63. In every *Precinct* there shall be a *Court*, consisting of a *Steward* and four *Justices* of the *Precinct*, being Inhabitants, and having three hundred Acres of Freehold within the said *Precinct*, who shall Judge all *criminal causes*, except for *Treason*, *Murder*, and any other Offences punishable with *Death*, and except all *criminal causes* of the *Nobility*; and shall Judge also all *civil causes* whatsoever; and in all *personal Actions*, not exceeding fifty Pounds *Sterling*, without *Appeal*: But where the cause shall exceed that value, or concern a Title of *Land*, & in all *criminal causes*, there either party, upon paying five Pounds *Sterling*, to the *Lords Proprietors* use, shall have liberty of *Appeal* to the *County court*.

§. 64. No cause shall be *twice Tried* in any one court, upon any reason or pretence whatsoever.

§. 65. For *Treason*, *Murder*, and all other Offences punishable with *Death*, there shall be a commission, twice a year at least, granted unto one, or more Members of the *Grand council* or *Colledges*, who shall come as itinerant Judges to the several Counties, and with the *Sheriff* and four *Justices* shall hold *Affizes* to Judge all such causes: But upon paying of fifty Pounds *Sterling* to the *Lords Proprietors* use, there shall be liberty of *Appeal* to the respective *Proprietors court*.

§. 66. The *Grand Jury* at the several *Affizes* shall upon their Oaths, and under their Hands and Seals, deliver into the itinerant Judges, a *Presentment* of such *Grievances*, *Misdemeanors*, *Exigences* or *Defects*, which they think necessary for the publick good

good of the County: which *Presentment* shall by the *itinerant Judges*, at the end of their Circuit, be delivered into the *Grand Council* at their next Sitting. And whatsoever therein concerns the Execution of Laws already made, the several *Proprietors Courts* in the Matters belonging to each of them respectively shall take Cognizance of it, and give such order about it, as shall be effectual for the due Execution of the Laws. But whatever concerns the making of any new Law, shall be referred to the several respective *Courts* to which that Matter belongs, and be by them prepared and brought to the *Grand Council*. And if the Major part of the *Grand Juries* of the respective counties, shall present any thing as necessary to be Passed into a Law, and the *Grand council* doth not propose the same to the *Parliament* at their first Sitting, which shall happen six Months after such *Presentment* made by the major part of the *Grand Juries*; then it shall be lawful to be proposed in any of the Chambers of *Parliament*, and having been there carried three several dayes by majority of Votes, shall be proposed in *Parliament*, to be passed into a Bill as in other cases.

§. 67. For *Terms*, there shall be Quarter'y such a certain number of Dayes, not exceeding one & twenty at any one time, as the several respective *Courts* shall appoint. The time for the beginning of the *Term* in the *Precinct court*, shall be the first Munday in *January, April, July, and October*; in the *County Court*, the first Munday in *February, May, August, and November*; and in the *Proprietors Courts* the first Munday in *March, June, September, and December*.

§. 68. In the *Precinct court* no Man shall be a *Jury-man* under fifty Acres of Freehold. In the *County court*, or at the *Affizes*, no Man shall be a *Grand Jury-man* under three hundred Acres of Freehold; and no Man shall be a *Petty Jury-man* under two hundred Acres of Freehold. In the *Proprietors courts* no Man shall be a *Jury-man* under five hundred Acres of Freehold.

§. 69. Every *Jury* shall consist of twelve Men; and it shall not be necessary they should all agree, but the *Verdict*, shall be according to the consent of the Majority.

S. 70. It shall be a base and vile thing to plead for *Money* or *reward*, nor shall any one (except he be a near Kinsman, not farther off than Cousin-German to the party concerned) be permitted to *Plead* another Mans cause, till before the *Judge* in open Court he hath taken an Oath, that he doth not *Plead* for *Money* or *Reward*, nor hath nor will receive, nor directly nor indirectly Bargained with the party whose cause he is going to *Plead*, for *Money* or any other *Reward* for *pleading* his cause.

S. 71. There shall be a *Parliament*, consisting of the *Proprietors* or their *Deputies*, the *Landgraves* and *Cassiques*, and one *Freeholder* out of every *Precinct*, to be chosen by the *Freeholders* of the said *Precinct* respectively. They shall sit altogether in one roome, and have every Member one Vote.

S. 72. No Nan shall be chosen a *Member* of *Parliament*, who hath less than five hundred Acres of Freehold within the *precinct* for which he is chosen; nor shall any have a Vote in chusing the said *Member* that hath less than fifty Acres of Freehold within the said *precinct*.

S. 73. A new *Parliament* shall be Assembled the first *Munday* of the Month of *November* every second Year, and shall meet and sit in the Town they last Sat in, without any summons, unless by the *Palatines* court they be summoned to meet at any other place; and if there shall be any occasion of a *Parliament* in these Intervals, it shall be in the power of the *Palatines* Court to assemble them in forty days notice, and at such time & place as the said Court shall think fit. And the *Palatines* Court shall have power to dissolve the said *Parliament* when they shall think fit.

S. 74. At the opening of every *parliament*, the first thing that shall be done, shall be the reading of these Fundamental Constitutions, which the *palatine* and *proprietors* and the rest of the *Members* then present, shall subscribe. Nor shall any person whatsoever Sit or Vote in the *parliament*, till he hath that Session Subscribed these Fundamental constitutions, in a Book kept for that purpose by the *Clerk* of the *parliament*.

S. 75. In order to the due *Election* of *Members* for the *Bien-*
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at *Parliament*, it shall be lawful for the Freeholders of the respective *Precincts* to meet the first *Tuesday* in *September* every two years, in the same Town or place that they last met in to chuse *Parliamentmen* and there chuse those *Members* that are to sit the next *November* following, unless the *Steward* of the *Precinct* shall by sufficient notice thirty Days before, appoint some other place for their Meeting, in order to the *Election*.

§. 76. No Act or Order of *Parliament* shall be of any force, unless it be *Ratified* in open *Parliament* during the same Session by the *Palatine* or his Deputy, and three more of the *Lords Proprietors* or their Deputies, & then not to continue longer in force but until the next *Biennial Parliament*, unless in the mean time it be ratified under the Hands and Seals of the *Palatine* himself, and three more of the *Lords Proprietors* themselves, and by their order publish'd at the next *Biennial Parliament*.

§. 77. Any *Proprietor* or his Deputy may enter his Protestation against any act of the *Parliament*, before the *Palatine* or his Deputy's consent be given as aforesaid, if he shall conceive the said act to be contrary to this Establishment, or any of these Fundamental Constitutions of the Government. And in such case after a full and free Debate, the several Estates shall retire into four several *Chambers*, the *Palatine* and *Proprietors* into one, the *Landgraves* into another, the *Cassiques* into another, and those chosen by the *Precincts* into a fourth; and if the major part of any of the four Estates shall Vote that the Law is not agreeable to this Establishment, and these Fundamental Constitutions of the Government, then it shall pass no farther, but be as if it had never been proposed.

§. 78. The *Quorum* of the *Parliament* shall be one half of those who are Members, and capable of sitting in the house that present Session of *Parliament*. The *Quorum* of each of the *Chambers* of *Parliament*, shall be one half of the Members of that Chamber.

§. 79. To avoid multiplicity of Laws which by degrees always change the right Foundations of the original Government, all Acts of *Parliament* whatsoever, in whatsoever Form Passed or

Enacted, shall at the end of a hundred Years after their Enacting, respectively cease and determine of themselves, and without any Repeal become null and void, as if no such Acts or Laws had ever been made.

§. 80. Since multiplicity of comments as well as of Laws, have great inconveniences, and serve only to obscure and perplex. All manner of comments and expositions on any part of these Fundamental Constitutions, or any part of the common or Statute Law of *Carolina*, are absolutely prohibited.

§. 81. There shall be a Registry in every precinct, wherein shall be Entrolled all deeds, Leases Judgments, Mortgages, & other Conveyances. which may concern any of the Land within the said Precinct; and all such Conveyances not so Entred or Registered shall not be of force against any person nor party to the said contract or conveyance.

§. 82. No man shall be Register of any Precinct, who hath not at least three hundred Acres of Freehold within the said precinct.

§. 83. The Freeholders of every precinct, shall nominate three Men, out of which three the Chief Justice's Court shall chuse and Commission one to be Register of the said precinct, whilst he shall well behave himself.

§. 84. There shall be a Registry in every Signiory, Barony, and colony, wherein shall be Recorded all the Births, Marriages, and Deaths, that shall happen within the respective Signiories, Baronies, and Colonies.

§. 85. No Man shall be Register of a Colony that hath not above fifty Acres of Freehold within the said Colony.

§. 86. The time of every ones Age that is born in *Carolina*, shall be reckoned from the day that his Birth is Entred in the Registry, and not before.

§. 87. No Marriage shall be lawful, whatever Contract and Ceremony they have used, till both the Parties mutually own it before the Register of the place where they were Married, & he Register it, with the Names of the Father and Mother of each Party.

§. 88. No Man shall administer to the goods, or have right to them, or enter upon the Estate of any person deceased, till his Death be Registred in the respective Registry.

§. 89. He that doth not enter in the respective Registry, the Birth or Death of any person that is born or dies in his house or ground, shall pay to the said Register one shilling per Week for each such neglect, reckoning from the time of each Birth or Death respectively to the time of Registering it.

§. 90. In like manner the Births, Marriages, and Deaths of the *Lords Proprietors, Landgraves, and Cassiques*, shall be Registered in the *Chamberlain's Court*.

§. 91. There shall be in every Colony one Constable, to be chosen annually by the Freeholders of the colony: His Estate shall be above a hundred Acres of Freehold within the said Colony, and such subordinate *Officers* appointed for his assistance, as the County court shall find requisite, and shall be established by the said County court. The Election of the subordinate annual *Officers* shall be also in the Freeholders of the Colony.

§. 92. It being of great consequence to the Plantation, that Port-Towns should be built and preserved; Therefore whosoever shall lade or unlade any Commodity at any other Place but a Port-Town, shall forfeit to the *Lord Proprietors* for each Tun so laded or unladen, the Sum of ten pounds *Sterling*, except only such Goods as the *Palatines Court*, shall Licence to be laden or unladen elsew here.

§. 93. The first Port Town upon every River, shall be in a Colony, and be a Port-Town for ever.

§. 94. No Man shall be permitted to be a Freeman of *Carolina*, or to have any Estate or Habitation within it that doth not acknowledge a God and that God is publickly and solemnly to be worshipped, and that there is future Being after this Life, of Happiness or Misery.

§. 95. As the Country comes to be sufficiently planted and Distributed into fit Divisions, it shall belong to the *Parliament* to take care for the building of Churches, and the publick Maintenance of Divines, to be employed in the exercise of Religion,

according to Church of *England*, which being the Religion of the Government of *England*, it alone shall be allowed to receive publick Maintenance by grant of *Parliament*.

§. 96. But since the Natives of that place, who will be concerned in our Plantation are utterly strangers to *Christianity*, whose Idolatry, Ignorance, or Mistake, gives us no right to expel, or use them ill; and those who remove from other parts to plant there, will unavoidably be of different Opinions concerning matters of Religion, the Liberty whereof they will expect to have allowed them, and it will not be reasonable for us on this account to keep them out; that civil Peace may be maintained amidst the diversity of Opinions, & our Agreement & Compact with all men may be duly and faithfully observed, the violation whereof upon what pretence soever, cannot be without great offence to *Almighty God*, and great Scandal to the true Religion which we profess; and also that *Jews*, *Heathens*, and other *Dissenters* from the purity of *Christian Religion*, may not be scared and kept at a distance from it, but by having an opportunity of acquainting themselves with the truth and reasonableness of its Doctrines, and the peaceableness and inoffensiveness of its Professors, may by good usage, and perswasion, and all those convincing Methods of gentleness and meekness, suitable to the Rules and Design of the *Gospel*, be won over to embrace, and unfeignedly receive the truth; therefore any seven, or more persons agreeing in any Religion, shall constitute a *Church* or *Profession*, to which they shall give some Name, to distinguish it from others.

§. 97. The terms of admittance, and communion with any Church or profession, shall be written in a Book and therein be subscribed by all the Members of the said Church or profession, which booke shall be kept by the publick Register of the precinct where they reside.

§. 98. The time of every ones subscription and admittance, shall be dated in the said booke or Religious Record.

§. 99. In the terms of Communion of every Church or profession, these following shall be three, without which no agreement or Assembly of men, upon pretence of Religion, shall be accounted

accounted a Church or profession, within these rules,

I That there is a God.

II That God is publickly to be worshiped

III That it is lawfull, and the duty of every man, being there-upon call'd by those that Govern, to bear witness to truth; and that every Church or profession shall in their terms of Communion set down the External way; whereby they witness a truth as in the presence of God; whether it be by laying hands on, or Kissing the Bible, as in the Church of *England*, or by holding up the hand; or any other sensible way.

§. 100 No person above seventeen years of age, shall have any benefit or protection of the Law, or be capable of any place of profit or honour, who is not a member of some Church or profession, having his name recorded in some one, and but one Religious record at once.

§. 101. No person of any other Church or profession shall disturb or molest any Religious assembly.

§. 102 No person whatsoever shall speak any thing in their Religious assembly, irreverently or seditiously of the Government, or Governours, or of State Matters.

§. 103 Any person subscribing the terms of Communion in the Record of the said Church or Profession before the precinct Register, and any five Members of the said Church or profession, shall be thereby made a Member of the said Church or profession.

§. 104 Any person striking out his own name out of any Religious record, or his name being struck out by any Officer thereunto authorized by each Church or profession Respectively shall cease to be a Member of that Church or profession.

§. 105. No man shall use any reproachfull, reviling, or abusive Language against the Religion of any Church or profession, that being the certain way of Disturbing the peace, and of hindering the conversion of any to the truth, by engaging them in quarrels and animosities, to the hatred of the professors and that profession, which otherwise they might be brought to assent too.

§. 106 *since* Charity Oblidges us to wish well to the souls of all men, and Religion ought to alter nothing, in any Man's Civil Estate or Right, it shall be Lawfull for slaves as well as others, to enter themselves, and be of what Church or profession any of them shall think best, and thereof be as fully Members as any Freeman. But yet no *Slave* shall hereby be Exempted from that Civil Dominion his Master hath over him, but be in all other things in the same state and condition he was in before

§. 107 Assemblies upon what pretence soever of Religion, not observing and performing the above said Rules, shall not be Esteemed as Churches, but unlawfull meetings and be punished as other Riots.

§. 108 No person whatsoever shall disturb, molest or persecute another for his speculative opinions in religion, or his way of worship.

§. 109 Every Freeman of *Carolina* shall have absolute power and Authority over his *Negro Slaves*, of what Opinion or Religion soever.

§. 110 No cause whether Civil or Criminall, of any Freeman, shall be Tryed in any Court of Judicature, without a Jury of his Peers.

§. 111 No person whatsoever shall Hold or Claime any Land in *Carolina* by purchase or gift, or otherwise, from the Natives or any other whatsoever, but meerly from and under the *Lords Proprietors*, upon pain of forfeiture of all his Estate, Moveable or immoveable, and Perpetual Banishment

§. 112 whosoever shall possess any Freehold in *Carolina*, upon what Title or grant soever, shall at the farthest from and after the Year one Thousand six hundred and eighty nine, pay yearly unto the *Lords Proprietors* for each Acre of Land, English Measure, as much fine Silver as is at this present in one *English* penny, or the value thereof to be as a Chief rent and acknowledgment to the *Lords Proprietors*, their Heirs and Successors for ever; except such persons with whom the *Lords Proprietors* have made some other agreement under their hands and Seals and it shall be lawfull for the *Palatine Court* by their Officers at any time, to take a new Survey of any Mans Land, not to out
him

him of any part of his possession, but that by such a *Survey* the just number of Acres he possesseth may be known, and the rent thereupon due, may be paid by him.

§. 113 All *Wrecks, Mines, Minerals, Quarries of Gemms, and Precious Stones, with Pearl Fishing, Whale Fishing,* and one half of all *Ambler Greece*, by whosoever found shall wholly belong to the *Lords Proprietors*.

§. 114 All *Revenues and profits* belonging to the *Lords Proprietors*, (Except for Lands and Rents sold) in common, shall be divided into ten parts, whereof the *Palatine* shall have three and each *Proprietors* one; but if the *Palatine* shall Govern by a *Deputy*, his *Deputy* shall have one of those three tenths, and the *Palatine* the other two tenths.

§. 115 All *Inhabitants and Freemen of Carolina* above seventeen years of Age, and under sixty, shall be bound to bear *Armes* and served as *Souldiers*, when ever the *Grand Council* shall find it necessary

§. 116 A true Coppy of these *Fundamental Constitutions* shall be kept in a great book by the *Register* of every *precinct*, to be subscribed before the said *Register* nor shall any person of what Condition or degree soever above seventeen years Old, have any Estate or possession in *Carolina*, or protection or benefit of the Law there, who hath not before a *precinct Register* Subscribed these *Fundamental Constitutions* in this form:

I A B do promise to bear faith and true allegiance to our *Sovereign Lord King Charles the second, his Heires and Successors*; and will be true and faithfull to the *Palatine & Lords Proprietors of Carolina, their Heirs and Successors*, and with my utmost power will defend them, and maintain the Government according to this Establishment in these *Fundamental Constitutions*

§. 117 Whatsoever alien shall in this form, before any *precinct Register* Subscribe these *Fundamentall Constitutions* shall be thereby *Naturalized*.

§. 118 In the same maner shall every person at his admittance into any *Office*, Subscribe these *Fundamental Constitutions*.

§. 119 Whosoever shall by Succession or otherwise shall come
to.

be a *Proprietor* of *Carolina*, shall not be admitted to exercise any of the powers or Jurisdictions belonging to a *Lord Proprietor* of the aforesaid *Province*, or receive any of the Revenues or profits belonging to the same, untill he hath either in *England* or *Carolina* Subscribed these Fundamental Constitutions in this form.

I A B do promise to bear faith and true allegiance to our Sovereign Lord King Charles the second, his Heirs and Successors, and will be true and faithfull to my Brethren the Pallatine and Lords Proprietors of *Carolina*, in defence of their Rights, and with my utmost power will maintain the Government according to this Establishment in these Fundamental Constitutions.

¶ S. 120 These Fundamental Constitutions, in number a hundred and twenty, and every part thereof, shall be and remain the Sacred and unalterable form and Rule of Government of *Carolina* for ever. Witness our Hands and Seals, the Twelfth day of January one Thousand six hundred Eighty one.

RULES of PRECEDENCY

- 1 The *Lords Proprietors*, the Eldest in age first, and so in order.
 - 2 The eldest sons of the *Lords Proprietors*, the eldest in age first and so in order
 - 3 The *Landgraves* of the *Grand Council*, he that hath been longest of the *Grand Council* first and so in order.
 - 4 The *Cassiques* of the *Grand Council*, he that hath been longest of the *Grand Council* first and so in order.
 - 5 The seven *Commoners* of the *Grand Council* that have been longest of the *Grand Council* The that hath been longest of the *Grand Council* first and so in order.
 - 6 The younger sons of *Proprietors*, the eldest first, and so in order.
 - 7 The *Landgraves* the eldest in age first and so in order.
 - 8 The seven *Commoners* who next to those before mentioned have been longest of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 - 9 The *Cassiques*, the eldest in age first, and so in order.
 - 10 The seven remaining *Commoners* of the *Grand Council*, he that hath been longest of the *Grand Council* first, and so in order.
 - 11 The Male Line of the *Proprietors*.
- The rest shall be determined by the *Chamberlain's Court*.

FINIS.

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